

# **Rules and Regulations**

**Board of Fire and Police Commissioners  
for the Village of Schiller Park**

**Updated January 2023**

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## CHAPTER I: ADMINISTRATION

### **Rule 1-1. Source of Authority.**

The Board of Fire and Police Commissioners (“Board” or “Commission”) derives its power and authority from Article 10, Division 2.1 of the Illinois Municipal Code (65 ILCS 5/10-2.1-1 *et seq.*), as well as from the home-rule authority of the Village of Schiller Park (“Village”) pursuant to Article VII of the Illinois Constitution.

### **Rule 1-2. Duties of Commissioners.**

A. The Commission shall consist of three (3) voting members, who shall annually, at the first meeting in May, elect a Chairman. The Chairman shall hold office until the end of the Fiscal Year and until a successor is duly elected and qualified. The Chairman shall be the presiding officer at all meetings of the Commission. Provided a quorum is present at a given meeting but the Chairman is absent or late, the remaining members shall choose from among them a chairman of the meeting who will chair the meeting in the absence of the Chairman. The Secretary shall be a staff person serving the Commission and shall be responsible for the keeping of the minutes of all meetings of the Commission in a permanent record book and shall be custodian of all the forms, papers, books, completed Examinations, and all other records of the Commission. As Secretary appointed by the Village President, the Secretary will act as minute recorder, help the Commission with its correspondence, Post Notices, undertake those other duties assigned by these Rules to the Secretary, and perform such other tasks as may be requested by the Commission from time to time.

B. The scope of the duties of the Commission shall generally include:

1. Establishing policies for recruiting, testing, selection and promotion for all Sworn Members covered under its authority.
2. Establishing guidelines and procedures for hearings required for discipline, demotion and termination of Sworn Members covered by its authority.
3. Serving as a hearing board for Sworn Members disciplined or terminated under guidelines established by these rules.
4. The Commission shall have such other powers and duties as are given to it by the statutes of the State of Illinois.

### **Rule 1-3. Meetings.**

A. During each January, the Secretary of the Commission shall cause the Posting in the Village Hall of the schedule of the times, places, and dates of the Commission’s regular meetings for the ensuing calendar year, as required by the Open Meetings Act, 5 ILCS 120/1 *et*

*seq.* The Commission may dispense with any of its scheduled regular meetings by motion of the Commission, Notice of which shall be Posted by the Secretary following adoption of the motion.

B. In addition to the foregoing Notice, the Secretary shall Post a Notice of each regular and special meeting of the Commission at least forty-eight (48) hours in advance thereof, which Notice shall set forth the time and place of the meeting and contain the agenda therefore, listing the business to be considered at such meeting. No other business than that specified in the Notice shall be acted upon at such meeting.

C. Regular meetings shall be held monthly in the location, and on the date and at the time established by Ordinance.

D. By written Notice to all Commissioners, special meetings may be called by the Chairman or any two (2) Commissioners. While this Notice shall contain the agenda and be Posted at least forty-eight (48) hours prior to the date, time and place set forth therein and as set forth above, such Notice shall be given the individual Commissioners at least twenty-four (24) hours prior to such meeting.

E. All such regular or special meetings shall be held in accordance with the Open Meetings Act, 5 ILCS 120/1 *et seq.*

**Rule 1-4. Quorum.**

Two (2) voting Commissioners shall constitute a quorum for the conduct of all Commission business.

**Rule 1-5. Order of Business.**

The order of business at any regular meeting shall be as follows:

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Minutes of Preceding Meeting(s)
- E. Written Correspondence Received
- F. Old Business
- G. New Business
  - 1. Citizens Wishing to be Heard
  - 2. Other Business
- H. Executive Session
- I. Adjournment

**Rule 1-6. Procedure.**

Except as modified by these Rules, the parliamentary procedure prescribed in Robert's Rules of Order Revised shall be followed.

**Rule 1-7. Amendments.**

A. Amendments to these Rules may be recommended to the President and Board of Trustees by the Commission at any meeting of the Commission, in the following manner:

1. A recommendation for an amendment may be adopted by a majority vote at any meeting at which a quorum of the Commissioners are present. Upon its adoption, the Secretary shall forward the recommendation in writing to the President and Board of Trustees.

2. No amendment shall be made part of these Rules unless and until the President and Board of Trustees adopt an ordinance approving the amendment.

B. Following adoption of the ordinance approving these Rules or any amendment thereof, printing of these Rules as most recently amended shall be accomplished forthwith by the Commission. Thereafter, the Secretary shall Post a Notice indicating the place or places where a copy of said Rules may be obtained. The Notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when the rules shall go into effect.

**Rule 1-8. Reports and Annual Budget Request.**

On or before February 1 of each year, the Commission shall make a budget request for the ensuing Fiscal Year to the President and Board of Trustees. The Commission shall also forward its report monthly to the President and Board of Trustees, in the form of the approved minutes of its meetings conducted by the Commission during the prior month.

**Rule 1-9. Conflict with the Illinois Statutes.**

The invalidity or unenforceability of any provision of these Rules shall not offset or invalidate any other provision. If any provision of these Rules is capable of two (2) constructions, one which would render the provision invalid and the other of which would make the provision valid, then the provision shall have the meaning which renders it valid. In addition, having been authorized by ordinance adopted by the President and Board of Trustees pursuant to the authority conferred upon home rule units under the Illinois Constitution, in the event any conflict exists between these Rules and any given statute of the State of Illinois, these Rules shall control, unless such given statute specifically pre-empts home rule. In the event any conflict exists between these rules and Federal law, Federal law shall control. Notwithstanding the above and foregoing, however, nothing herein shall be construed as modifying the procedures set forth in Section 65 ILCS 5/10-2.1-17 providing for review under the Administrative Review Law.

## **CHAPTER II: CLASSIFIED SERVICE**

### **Rule 2-1. Classified Positions.**

In accordance with the Act, all Sworn Members in the Departments of the Village other than those described in the ordinances of the Village as Exempt Positions are Classified Positions and employees holding such Classified Positions shall constitute those in the Classified Service. No Appointments to any of such Classified Positions shall be made except under and according to these Rules.

### **Rule 2-2. Classification of Rank and Description of Classified Positions.**

The order of Rank of Classified Positions within each of the Departments shall be as maintained by the Departments, a copy of which is available in the Departments. In any given Department the highest order of Rank is the first described, being that of “Chief” or “Director”, time to time referred to in these Rules as “Department Head” or “Head of the Department”; and the lowest Rank is the last described, being that of “Firefighter/Paramedic” in the Fire Department and that of “Patrol Officer” in the Police Department. It is understood that within the Fire Department and the Police Department, the Positions in the Ranks of Directors, Chiefs, Deputy Directors, and the Deputy Chiefs, if any, are Exempt Positions.

### **Rule 2-3. Specifications to be Considered for Classified Positions.**

If it is desired to create a new Position in the Classified Service for which no reasonably comparable Classified Position description exists, the Department Head shall so advise the Commission and shall provide a description of such new Position for the consideration of the Commission. No new Position in the Classified Service shall be created unless and until the President and Board of Trustees approve an amendment of these Rules creating such new Position by adoption of a suitable ordinance.

## **CHAPTER III: APPLICATIONS FOR ORIGINAL APPOINTMENT**

### **Rule 3-1. Residence.**

All Applicants are subject to Examination, which shall be public, competitive, and open to all citizens of the United States of America. In addition, any Applicant who does not reside within the boundaries established by ordinance adopted from time to time by the Board of Trustees must move within those boundaries within the time specified by such ordinance.

### **Rule 3-2. Age and Education Requirements.**

A. The limitations provided in this subsection A do not apply to any person currently in the Classified Service.

1. Police Applicants: At the time application is made, Applicants for Original Appointment must be at least twenty-one (21) years of age but must not be thirty-five (35) years of age or older. With respect to police hiring, a veteran shall be allowed to exceed the maximum age provision of thirty-five (35) years of age, by the number of years served on active military duty, as defined in the Illinois Municipal Code, but by no more than ten (10) years of active military duty. 65 ILCS 5/10-1-12, 10-2.1-6. Applicants for a Position as Police Officer must have graduated from high school or possess equivalent GED Certificate and successfully completed at least 60 undergraduate college hours at an accredited college or university.

2. Firefighter/Paramedic Applicants: Notwithstanding the above, Applicants who are Paramedics and at least twenty-one (21) years of age may be eligible to take the Examination for Original Appointment as a Firefighter/Paramedic. Applicants for a Position as a Firefighter/Paramedic must have a current Emergency Medical Technician-Paramedic license from the Illinois Department of Public Health or National Registered Paramedic. Applicants for a Position as Firefighter/Paramedic must have graduated from high school or possess equivalent GED Certificate. With respect to Firefighter/Paramedic hiring, an individual shall be allowed to exceed the maximum age provision of thirty-five (35) years of age provided (s)he meets one of the exceptions included in Illinois Statute 65 ILCS 5/10-2.1-6.3(c).

B. All persons in the Classified Service shall retire therefrom upon reaching sixty-five (65) years of age.

### **Rule 3-3. Application Forms.**

A. Applications for Classified Positions shall be filed upon forms furnished by the Commission for a fee and Applicants must comply with the requirements set forth on the Application form in every respect. The Secretary shall maintain and furnish Commission-approved Application forms to Applicants. Application forms may also be obtained from the Village Clerk.

B. Failure to complete and return the Application form and/or failure to furnish the documentation required in these Rules shall be cause for such Applicant being excluded from the Examination. Knowingly committing Examination Fraud shall be cause for such Applicant being excluded forever from Examination.

C. Applications must be returned to the Commission before the date specified in the Notice of Examination along with proof that the Applicant is a citizen of the United States of America; proof of birth date; and copies of GED Certificate or High School Diploma (or transcript if applicable; valid driver's license; Military Service Record and Honorable Discharge Papers (if any); and college diploma (or transcript if applicable). Each Application must be accompanied by a Federal Health Insurance Portability and Accountability Act Release provided by the Commission and duly executed by the Applicant. At time of application, if Applicant requires a reasonable accommodation in order to participate in any Test given during the course of an Examination, such Applicant shall make a request for such accommodation in writing to the Commission. In addition: (i) If Application is made for a Position as Firefighter/Paramedic, the Application shall include a copy of the Applicant's Illinois Paramedic license (ii) If Application is made for a Position as Police Officer the Application shall include a copy of the Applicant's college transcript reflecting passing grades in the successful completion of at least the minimum number of undergraduate college hours required under these Rules. Omission of either Illinois Paramedic License or college transcript, as the case may be, will deem the Application incomplete and the Applicant shall be disqualified, pursuant to Rule 3-7.

**Rule 3-4. Filing Applications.**

Persons seeking Appointment must complete an Application form for each Examination taken and must return each such completed Application form to the Commission at the Village Hall by hand delivery or certified mail, return receipt requested. Upon receipt, each Application shall be stamped with the date and the hour of receipt, which shall be deemed the date of filing; except that in the case of certified mailings, the date shown on the receipt of the United States of America Postal Service shall be deemed the date of filing.

A. At the time of application, if an Applicant requires a reasonable accommodation in order to participate in any Test given during the course of an Examination, such Applicant shall make a request for such accommodation in writing to the Commission. Applicants must specify the disability; substantiate the need for reasonable accommodation when requesting the accommodation on the Application form.

B. Applicants making untruthful answers to questions in said Application shall be rejected by the Commission and the Secretary shall send Notice to the Applicant of such action.

**Rule 3-5. Failure to Appear.**

Applicants who fail to appear at the time and place specified for an Orientation or for the holding of any Test shall be disqualified and shall not be given further consideration in such Examination. The Applications of such Applicants shall not be used in subsequent Examinations.

**Rule 3-6. Disqualification.**

A. The Commission may refuse to examine an Applicant or after testing, to place the Applicant's name on a Preliminary Eligibility List or a Final Eligibility List or make an Offer of Appointment whenever such Applicant:

1. Is found lacking in any of the established preliminary requirements for Applicants including but not limited to the educational requirements;
2. Shall be unable to pass a required Physical Fitness Test;
3. Is addicted to the habitual use of narcotics, intoxicating beverages or illegal drugs;
4. Has been convicted of a felony or any misdemeanor involving moral turpitude;
5. Has been dismissed from any public service for just cause;
6. Has practiced any deception or Examination Fraud;
7. May be found disqualified because he is not able to perform the tasks required of the Position by reason of his poor mental health or physical incapacity;
8. Has personal and/or employment references which are deemed unsatisfactory by the Commission;
9. Has made Application for the Position of Police Officer and is a Conscientious Objector;
10. Submits an Application which was not notarized or is otherwise incomplete.

B. The Secretary shall send Notice to any Applicant deemed disqualified pursuant to this Section.

**Rule 3-7. Defective Applications — Notice of Rejection.**

The Commission shall review for completeness each Application filed. Failure to provide a complete Application requires the Application be rejected by the Commission as incomplete or otherwise defective. No applications will be returned to Applicant for correction. The Secretary will send Notice to all Applicants whose Applications have been rejected by the Commission for being incomplete or otherwise defective.

**CHAPTER IV: EXAMINATIONS AND APPOINTMENTS**

## **Division One. Rules Applicable to All Appointments**

### **Rule 4-1. Examinations.**

A. Examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the Applicants and Candidates examined to perform the duties of the Classified Position to which they seek Appointment. No Examination question shall relate to political or religious opinions or affiliations.

B. Each Examination consists of components, each component being one Test in a series of competitive Tests held as prescribed by the Commission. The Commission shall determine the type of the Examination, the method of how to evaluate its Tests, the scope of the overall testing process and the subjects of the Tests in the Examination, which are to be related to the requirements of the Classified Position for which the Examination is being held. Tests in any given Examination may be given in such order as may be convenient, but shall include at least one (1) Written Test and one (1) Oral Test. An Applicant shall be rejected upon failure to pass any Test in any given Examination and shall be excluded from further testing with respect to the preparation of the particular Eligibility List with respect to which such Examination is being conducted. An Applicant's score on any previous Test shall not affect his eligibility to take any Examination in the future.

C. Whenever a Test is to take place, the Commission may designate a suitable number of persons to be the Examiners. The Commissioners may at any time act as Examiners. Examiners shall conduct such Tests and/or entire Examinations as the Commission may contract for and/or direct, and shall report the results thereof to the Commission. The report of the Examiners shall be final as to such Tests when accepted by the Commission.

### **Rule 4-2. Examination Room.**

No person other than those Applicants sitting for Examinations, the Commissioners, and the Examiner(s) shall be admitted to the Examination room during any Test, except as otherwise permitted by the Commission.

### **Rule 4-3. Examination Fraud.**

No Applicant or Candidate shall be considered or receive an Appointment who is guilty of Examination Fraud. After having given such Applicant or Candidate, as the case may be, a chance to be heard in his own defense, upon a finding by the Commission of Examination Fraud, the Application of such Applicant shall be rejected and the name of such Applicant or Candidate shall be stricken from any Eligibility List or Promotional List upon which it may appear. Whenever an Examiner determines an Applicant is cheating or has cheated during a Test, the Examiner shall confiscate all Test materials in the possession of the Applicant. If such finding is made subsequent

to Appointment, such employee shall be dismissed from Service following a Hearing held in accordance with these Rules. In all cases an Applicant or Candidate who has committed Examination Fraud shall be forever thereafter ineligible for Application or Appointment.

**Rule 4-4. Americans with Disabilities.**

No Applicant in any Examination for Appointment shall be disqualified by reason of any disability, as that term is defined in the Americans with Disabilities Act, providing that the Commission finds that the Appointment of such Applicant with reasonable accommodation to him will not be prejudicial to the Classified Service so long as such Applicant is able to perform the duties of the Classified Position to which such Appointment is sought. In all cases, the Applicant must substantiate to the satisfaction of the Commission and the Department Head his claims as to the manner and character of his disability and his capacity to do the work required by the Classified Position sought. If an Applicant requires a reasonable accommodation in order to participate in any Test given during the course of an Examination, such Applicant shall make a request for such accommodation in writing to the Commission at time of application.

**Rule 4-5. Special Qualifications.**

In addition to the foregoing, whenever a Classified Position requires special qualifications, the Commission shall require the Applicant to produce evidence of having such qualifications.

**Rule 4-6. Change of Address.**

Applicants and persons whose names are placed upon any Eligibility List or who are awaiting reinstatement have the responsibility of promptly giving written Notice to the Secretary of any change of address.

**Rules 4-7 through 4-10. Reserved.**

**Division Two. Examination Rules Applicable to All Original Appointments to the Fire Department and the Police Department**

**Rule 4-11. Notice of Examinations for Original Appointments.**

Examinations for Original Appointments shall be held on dates fixed by the Commission and Notice of the time and date deadline for the filing of Applications therefore shall be advertised at least fifteen (15) calendar days in advance of such deadline in a newspaper and other media having general circulation within the corporate limits of the Village and by Posting written Notice of Examination in the Village Hall and in each fire station or the police station, as the case may be. Any given Test in an Examination may be postponed by order of the Commission, which order shall state the reason for such postponement and shall designate a new time and date for such Test. Applicants shall be sent Notice of the postponement of any Test and of the new time and date fixed for said Test. In the event of an emergency change of location on the date of testing, the Commission shall Post Notice of the location change on the door of the scheduled testing location and allow a reasonable time frame for Applicants to arrive at the new testing location before administering the Test.

**Rule 4-12. Pre-Offer Tests.**

The Original Examination distributed to Applicants is comprised of a Written Test and an Oral Test. The Written Test and the Oral Test are each scored on a scale of 100 points. All grades are based on a maximum score equal to 100.

Police Applicants must achieve a total score of 70 percent on the Original Examination to qualify for further consideration. The total score reflects the cumulative of the weighted grades achieved on the Written and Oral Tests. To achieve a total score of 70 percent on the Original Examination, a Police Applicant must receive a Minimum Passing Grade of 70 percent on the Written Test and a Minimum Passing Grade of 60 percent on the Oral Test. As established in the chart below, the Minimum Passing Grades are then weighted as a percentage of an Applicant's total score for the Original Examination. Any applicant who fails to achieve the Minimum Passing Grade on either the Written Test or the Oral Test shall be disqualified from further testing and consideration during the current testing period.

<b>Pre-Offer Test</b>	<b>Minimum Passing Grade</b>	<b>% of Total Score</b>
Written Test	70%	70%
Oral Test	60%	30%

**Police Applicants:**  
Peace Officer Wellness  
Evaluation Report  
(POWER) Test

Pass/Fail

**Fire Applicants:**

CPAT with Ladder Climb Exercise  
(Pre-Certification)

Within thirty (30) calendar days after all Pre-Offer Tests in such Examination for Original Appointment are completed, the Secretary shall Post the Preliminary Eligibility List prepared from the results of the Pre-Offer tests in an Original Examination. All Applications and Examination papers, reports, and results shall be and become the property of the Commission and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other person.

A. Written Test. The material used in the Written Tests shall be such as will test the capacity of the Applicant to perform the duties of the Classified Position to which the Applicant seeks Appointment.

B. Oral Test. Whenever possible, all the Commissioners and the Head of the Department for which Appointment is sought shall comprise the Examiners for the Oral Test. Questions shall be asked of each Applicant that will enable the Commissioners to properly evaluate and grade the Applicant on the Applicant's fitness for the Classified Position. On completion of each Oral Test, each Examiner will grade the Applicant. The final score for such Test shall be the average of the grades assigned such Applicant by the Examiners.

C. Police Applicant POWER Test. All Police Applicants for an Original Appointment shall submit themselves to the Peace Officer Wellness Evaluation Report (POWER) Test, developed by the Illinois Law Enforcement Training and Standards Board, for the purpose of determining that the Applicants' strength and agility will not preclude them from performing the essential functions of the Classified Position for which Application has been made.

The POWER Test is a pass or fail test. Prior to taking the POWER Test, each Applicant shall execute and deliver to the Secretary a completed physician's release, as prescribed by the Commission. The Commission may choose to hire a testing service to administer the POWER Test or require a POWER Test completion certification from each Applicant.

D. Fire Applicant CPAT Certification. All Fire Applicants for an Original Appointment shall possess a valid and current Candidate Physical Ability Test (CPAT) Certification with Ladder Climb Exercise at the time of application. The CPAT is a pass-fail, physical-ability test developed by the International Association of Firefighters and the International Association of Fire Chiefs. It is a legally defensible and legitimate tool for assessing eligibility for employment. The CPAT meets validity criteria established by the federal Equal Employment Opportunity Commission, the U.S. Department of Justice, and the U.S. Department of Labor.

**Rule 4-13. Notice of Results of Tests.**

The results of each Test of the Examination shall be mailed by the Secretary to the Applicants within thirty (30) calendar days after the date of completion of each component Test thereof.

**Rule 4-14. Review of Examinations.**

Any Applicant may request his score on any Written Test. An Applicant wishing to obtain his Written Test score should make his request in writing to the Secretary within fourteen (14) calendar days after the date of mailing of the results thereof. The Secretary shall provide the requested results within fourteen (14) calendar days following receipt of the request. However, no other review of a Test shall be permitted.

**Rule 4-15. Eligibility Lists.**

A. Preliminary Eligibility List. Within thirty (30) calendar days after the written exam has been held. The Preliminary List shall be Posted by the Commission containing the names of the Applicants successfully passing all the written exam.

B. Initial Eligibility List. Within thirty (30) calendar days after the final Pre-Offer Test in the Examination for an Original Appointment have been held, a Initial Eligibility List shall be Posted by the Commission containing the names of Applicants successfully passing all such Pre-Offer Tests. Applicants shall take their places upon the Initial Eligibility List in the order of their relative excellence as determined by such Examination, subject to claim for Preference Points and/or Military Credit and/or Firefighter Preference.

1. Within ten (10) calendar days after the initial Posting of a Initial Eligibility List, any Applicant who: (i) has received a passing score; (ii) has been placed on the Initial Eligibility List; and (iii) is entitled to Preference Points and/or Military Credit in Examinations— may submit to the Commission proof of preference point eligibility and for Military Credit, submit proof of honorable discharge from Military Service and make written request for Military Credit.

a. Upon receipt of such request, the Secretary shall add the required Preference Points: Education- 3 points with Bachelor's degree, Residence of Schiller Park- 2 points, Paramedic Certifications- 0 point, Experience points- 0 points, Additional points- 0 points and/or Military Credit- 5 points, to the final Examination score of such Applicant for such Preference Points or Military Credit.

2. Within ten (10) calendar days after the initial Posting of an Initial Eligibility List, any Applicant who: (i) has received a passing score; (ii) has been placed on an Initial Eligibility List for Original Appointment to the Classified Position of Firefighter/Paramedic; (iii) and has been paid-on-call certified firefighters, paramedics, or any combination of those capacities, of the Village shall be awarded 0.5 point for each year of successful Service in one or more of those capacities, up to a maximum of five (5) points at the time of examination for Original Appointment to the Classified Service of the Fire Department. Applicants from outside the municipality who were employed as full-time firefighters or firefighter/paramedics by a fire protection district or another municipality for at least 2 years shall have the same preference as paid-on-call personnel— may

submit to the Commission proof of such Service and make written request for Firefighter Preference.

B. Final Eligibility List. After the time within which an Applicant may make a claim for Preference Points as set forth above has lapsed, the Secretary shall place the Applicants names upon the Final Eligibility List in numerical order based upon their combined Written Test and Oral Test scores as given to the Secretary by the Commissioners plus Preference Points, if claimed. Whenever two (2) or more Applicants receive the same score, priority shall be given to the person who had first filed his Application in the Village Hall.

1. Thereafter the Secretary shall Post the Final Eligibility List.

2. Each given Final Eligibility List shall be valid for two (2) years from the date of Posting. The Commission shall strike off names of Applicants from the Final Eligibility List after they have remained thereon for more than twenty-four (24) months, because such Final Eligibility List is no longer valid. Accordingly, each Final Eligibility List shall be valid for no more than twenty-four (24) months and shall contain the following statement:

“The persons listed herein have successfully completed the Pre-Offer Tests in the Examination for this Position, but after being offered an Original Appointment is also, as a pre-condition of such Appointment, subject to successful completion of Post-Offer Tests, including: Medical Test, Physical Fitness Test, Psychological Test, Agility Test and other Post-Offer Tests required by the Commission. Failure to pass any of these Post-Offer Tests shall preclude Original Appointment and cause the removal of the Applicant’s name from this list. This list shall expire automatically and be of no further force or effect twenty-four (24) months after the date hereof.”

3. However notwithstanding the foregoing, the candidacy of a Candidate who has been (or may be in the immediate future) ordered into Military Service and is unable to accept the Appointment because of such service or prospective service shall survive the automatic expiration of such Final Eligibility List and such Candidate’s name shall be placed on the Final Eligibility List in existence at the time of honorable discharge or, in the case of military reservists, honorable discharge from active duty. Such placement shall be in accordance with the Candidate’s relative excellence utilizing the Pre-Offer Test grade assigned such Candidate following such Candidate’s testing prior to his Military Service.

4. Should the Commission deem it advisable to prepare a new Preliminary Eligibility List prior to the automatic two-year expiration of an existing Final Eligibility List, it may properly do so at any time with no effect on the then existing Final Eligibility List. Should a newly developed Final Eligibility List be completed

before the existing Final Eligibility List is exhausted or voided by virtue of the two (2) year period of limitation, such new Final Eligibility List will be held in abeyance until the time the existing Final Eligibility List is exhausted or voided by the two (2) year period of limitation. Applicants whose names appear on the existing Final Eligibility List may apply for re-Examination in order to be placed on the new Final Eligibility List. Except for a Candidate meeting the conditions set forth in paragraph 3 above, no consideration whatsoever will be given to the Applicant for his prior placement on the expiring Final Eligibility List.

**Rule 4-16. Post-Offer Tests.**

The following Post-Offer Tests to be taken without expense to the Candidate within 60 days after such Candidate's scheduled Appointment are pass or fail Tests which each Candidate must pass to receive an Original Appointment: Psychological Test; Polygraph Test; Background Investigation, Medical Exam, including a Drug Screening Test.

A. Passing each such Post-Offer Test shall consist of each Test report to the Commission of the Examiner's or Examiners' favorable opinion regarding the Candidate as follows:

1. For a Psychological Test, that the Candidate's mental health and behavior, and fundamental personality traits will not preclude the Candidate from performing the essential functions of the Position for which Application has been made;
2. For a Polygraph Test, that the Candidate is honest;
3. For a Medical Test, that the Candidate's general health and physical condition, including vision and hearing will not preclude the Candidate from performing the essential functions of the Position for which Application has been made;
4. For a Drug Screening Test, that the Candidate's system has no alcohol concentration and no amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act;
5. For a Background Investigation, that each Applicant shall submit to an analysis of his background conducted by the Police Department for the purpose of determining whether such Applicant, has good moral character, their reputation in the community is good or whether through past conduct such Applicant is known for fraudulent activity or breach of trust or whether such Applicant has a criminal history which makes an Applicant unfit for Appointment; and
6. For a Candidate for Firefighter/Paramedic, that an Emergency Medical Service System Permit has been obtained.

B. Refusal of a Candidate to take or to submit to any such Post-Offer Test or failing any such Test shall eliminate such Candidate from further consideration for Appointment.

**Rule 4-17. Filling of Vacancies.**

Whenever a Vacancy in an entry-level Classified Position is to be filled by Original Appointment, the Commission shall make an Offer of Appointment to the Applicant having the highest rating upon the Final Eligibility List created following completion of the Pre-Offer Tests in the competitive Examination.

A. Without losing his place upon the Final Eligibility List, an Applicant who has been given an Offer of Appointment or tendered reinstatement may waive Appointment upon giving reasons satisfactory to the Commission. All such waivers must be filed with the Commission within five (5) calendar days after the date of such Offer of Appointment. If the reasons assigned in the waiver are not satisfactory to the Commission and the Candidate refuses to accept an Offer of Appointment, then the Candidate's name shall be removed from the Final Eligibility List. If the Candidate refuses to accept an Offer of Appointment, in the absence of such waiver the Candidate's name shall be removed from the Final Eligibility List and the Candidate will be given no further consideration for Appointment.

B. Upon his being tendered an Offer of Appointment; a Candidate shall complete the remaining Post-Offer Tests successfully before being appointed to a Classified Position. Failure to complete such Tests satisfactorily shall result in the Commission's removal of the Candidate's name from the Final Eligibility List and the Candidate will be given no further consideration for Appointment.

**Rule 4-18. Lateral Appointment of Certified Police Officers**

Lateral appointment of certified police officers shall be conducted in accordance with Ordinance No. 21-4294, adopted September 16, 2021, by the President and Village Board of Trustees of the Village of Schiller Park, and updated as needed from time to time.

**4-19-4-20. Reserved.**

## **Division Three. Promotion in the Police Department**

### **Rule 4-21. Promotional Appointments.**

Vacancies in a Rank higher than the lowest Rank shall be filled by Promotion. The Rules contained in Division Two of this Chapter shall not apply to Examinations for Promotional Appointments. Promotions shall be made on the basis of Examination score, Seniority in Service and Military Credit as herein provided.

### **Rule 4-22. Requirements for Promotion.**

All Examinations for Promotion shall be competitive among and limited to such employees in the Classified Service of the next lower Rank as set forth by the records kept by the Department Heads as desire to submit themselves to such Promotional Examination.

A. No person shall be examined for Promotion in the Classified Service until he has successfully completed four (4) years following his required probationary period in and for the next lower Rank of the Department within which such person holds a Classified Position.

B. When an employee has been injured in the performance of his Classified Position duties, such injury shall not disqualify him for Promotion to a higher Rank, provided that the Head of the Department within which said injuries were received shall certify to the Commission that such Promotion would not be prejudicial to the best interests of the Service or to the requirements of the Classified Position to which Promotion is sought. Such certifications shall be subject, however, to the approval of the Commission.

C. All requirements for Promotion shall be published by Posting them at least one year prior to the date of the beginning of the Promotion process, unless there has been no change since the last publication thereof. All aspects of the Promotion process shall be equally accessible to all eligible employees of the Classified Service.

### **Rule 4-23. Notice of Examination for Promotion.**

A. Promotional Examinations shall be held on dates and at the times fixed by the Commission and Notice of the deadline for the filing of Applications therefore shall be advertised at least fifteen (15) calendar days in advance by Posting written Notice of Examination in the Village Hall and in the primary fire station or the police station, as the case may be.

B. Any given Test in a Promotional Examination may be postponed by order of the Commission, which order shall state the reason for such postponement and shall designate a new date and time for such Test. Applicants shall be sent Notice of the postponement of any Promotional Examination Test and of the new date and time fixed for said Test.

C. In the event of an emergency change of location on the date of the Promotional Examination, the Commission shall Post Notice of the location change on the door of the scheduled testing location and allow a reasonable time frame for Applicants to arrive at the new testing location before administering the Test.

**Rule 4-24. Seniority Credit.**

A. Seniority Credit shall be given automatically for Continuous Service in the Department in which Promotion is sought.

B. As soon as practicable after the Notice of Examination for Promotion is given, but in all cases prior to administration of a Promotional Examination, a Seniority List shall be Posted after having been compiled as follows:

1. The Seniority List shall include the name of the Sworn Member, the total number of complete, twelve-month years of Service of such Sworn Member, and the amount of Seniority Credit in points earned. Continuous Service shall be calculated as of the date of the Notice of Examination.

2. Seniority Credit shall not include any Breaks In Continuous Service or fractions of years, but shall include the total number of complete, twelve-month years of Service computed as follows:

1 through 5 complete years	1 point
6 through 10 complete years	2 points
More than 10 complete years	3 points

**Rule 4-25. Preparation for Promotional Examinations.**

The Commission shall identify written materials which shall form the basis of the Written Test of the upcoming Promotional Examination, and shall make such written materials readily available to all eligible employees at least 90 calendar days before the Promotional Examination is administered. Written Tests shall be based only on the contents of the written materials that the Commission has identified to potential examinees at least 90 calendar days before the Written Test is administered. Each Department shall maintain reading and study materials for its current Written Test and the current reading for each Rank and shall make these materials available and accessible at the primary fire station or the police station, as the case may be.

**Rule 4-26. Promotional Examination Administration.**

A. The Commission shall provide a separate Promotional Examination for each Rank that is filled by Promotion. The Commission shall determine the type of Promotional Examination, the method of how to evaluate its Tests, the scope of the overall testing process and the subjects of the Tests in the Promotional Examination, which are to be related to the requirements of the Classified Position for which the Promotional Examinations are being held. The Promotional

Examination shall include Pre-Offer Tests, being at least one (1) Written Test and one (1) Oral Test.

B. The Tests in such given Promotional Examination may be given in such order as may be convenient. Whenever possible, all of the Commissioners and the Head of the Department for which Appointment is sought shall comprise the Examiners for an Oral Test. Members of the Fire Department, Police Department or Commission shall not obtain or divulge foreknowledge of the contents of any component Test before it is administered.

**Rule 4-27. Promotional Examination Scoring.**

The Promotional Examination distributed to applicants is comprised of a Written Test and an Oral Test. The Written Test and the Oral Test are each scored on a scale of 100 points. All grades are based on a maximum score equal to 100. Applicants must achieve a total score of 70 percent on the Promotional Examination to qualify for further consideration. The total score reflects the cumulative of the weighted grades achieved on the Written and Oral Tests.

To achieve a total score of 70 percent on the Promotional Examination, an applicant must receive a Minimum Passing Grade of 75 percent on the Written Test and a Minimum Passing Grade of 60 percent on the Oral Test. As established in the chart below, the Minimum Passing Grades are then weighted as a percentage of an applicant's total score for the Promotional Examination.

Any applicant who fails to achieve the Minimum Passing Grade on either the Written Test or the Oral Test shall be disqualified from further testing and consideration during the current testing period.

<u>Pre-Offer Test</u>	<u>Minimum Passing Grade</u>	<u>% of Total Score</u>
Written Test	<u>75%</u>	70%
Oral Test	<u>60%</u>	30%
Physical Fitness Test	Pass or Fail	
Physical Agility Test	Pass or Fail	
Polygraph Test	Pass or Fail	

The Preliminary Promotional List prepared from the results of Pre-Offer tests in a Promotional Examination shall be Posted by the Commission within thirty (30) calendar days after such Examination is completed. All Applications and Examination papers, reports, and results shall be and become the property of the Commission and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other person.

**Rule 4-28. Promotional Examination Content.**

In each Promotional Examination, the following series of Pre-Offer Tests will be held as prescribed by the Commission:

A. Written Tests. The material used in the Written Tests shall be such as will fairly test the capacity of the Applicant to perform the duties of the Classified Position to which the Applicant seeks Appointment. Written Tests shall be based only on the contents of the written materials that the Commission has identified and made readily available to potential examinees at least 90 calendar days before the Written Test is administered.

B. Oral Test. Whenever possible, all of the Commissioners and the Head of the Department for which Appointment is sought shall comprise the Examiners for the Oral Test. Questions shall be asked of each Applicant that will enable the Commissioners to properly evaluate and grade the Applicant on the Applicant's fitness for the Classified Position. On completion of each Oral Test, each Examiner will grade the Applicant. The final score for such Test shall be the average of the grades assigned such Applicant by the Examiners.

**Rule 4-29. Results of Pre-Offer Tests in Promotional Examination.**

Other than Examiners, the Secretary and the Commission, no person shall be permitted to review any Promotional Examination or any Test thereof and/or any result thereof without the prior consent of the Commission. In all cases, the results of Pre-Offer Tests in the Promotional Examination shall be mailed by the Secretary to the Applicants within thirty (30) calendar days after the date of completion of the final Pre-Offer Test in the Promotional Examination. The Preliminary Promotional List prepared from the results of Pre-Offer Tests in a Promotional Examination shall be Posted by the Commission within forty-five (45) calendar days after the Final Pre-Offer Test is completed.

**Rule 4-30. Preliminary Promotional List.**

Within thirty (30) calendar days after the final Pre-Offer Test in the series of a Promotional Examination has been held, a Preliminary Promotional List containing the names of Applicants successfully passing the Pre-Offer Tests shall be Posted by the Commission. Applicants shall take their places upon the Preliminary Promotional List in the order of their relative excellence as determined by total Pre-Offer Tests score and Seniority.

**Rule 4-31. Military Preference.**

Within ten (10) calendar days after the initial Posting of a Preliminary Promotional List, any Applicant who: (i) has received a passing score; (ii) has been placed on the Preliminary Promotional List; and (iii) is entitled to Military Credit in Promotional Examinations, may submit to the Commission proof of honorable discharge from Military Service and make written request for Military Credit. No person shall receive the Military Credit for a Promotional Appointment granted herein after he has received one Promotion from an Eligibility List on which he was allowed such credit. In cases where such credit is given, it shall be given by adding to the final grade average on the Preliminary Promotional List two (2) additional points as credit.

**Rule 4-32. Final Promotional List.**

A. After the time within which an Applicant may make a claim for Military Credit as set forth above has lapsed, the Secretary shall place the Applicants upon the Final Promotional List in numerical order based upon their combined Written Test and Oral Test scores as set forth on the Preliminary Promotional List plus Military Credit, if any. Whenever two (2) or more Applicants receive the same score, priority shall be given to the person who has Seniority. If no Applicant has made a claim for Military Credit, the Preliminary Promotional List shall become the Final Promotional List.

B. Thereafter the Secretary shall Post the Final Promotional List.

C. A given Final Promotional List shall be valid for two years from the date of Posting. The Commission shall strike off names of Applicants from the Final Promotional-List after they have remained thereon for more than twenty-four (24) months. Accordingly, each Final Promotional List shall be valid for twenty-four (24) months and shall contain the following statement:

“The persons listed herein have successfully completed the Written Test and Oral Test portions of the Promotional Examination for this Position and Military and Seniority Credit have been considered. This list shall expire automatically and be of no further force or effect twenty-four (24) months after the date hereof.”

D. As stated above, a given Final Promotional List shall be valid for two years from the date of Posting. Should the Commission deem it advisable to prepare a new Preliminary Promotional List and the resulting Final Promotional List, it may properly do so at any time with no effect as to the then existing Final Promotional List, and should the newly developed Final Promotional List be completed before the existing Final Promotional List is exhausted or expired, the new Final Promotional List will be held in abeyance until the time the existing Final Promotional List is exhausted or so expired, after which the newly developed Final Promotional List will be officially Posted. Applicants whose names appear on the existing Final Promotional List may apply for re-Examination in order to be placed on the new Preliminary Promotional List and the resulting Final Promotional List. No consideration whatsoever will be given to the Applicant for his prior placement on any expired or expiring Final Promotional List, unless such Applicant was in Military Service.

**Rule 4-33. Filling of Vacancies.**

A. Whenever a Vacancy is to be filled by Promotional Appointment, the Commission shall appoint to that Classified Position an Applicant whose name is in the first, second or third placement at the top of the list for that Rank as the top of the list exists at the time of such Appointment. Following the Posting of the Final Promotional List the Commission shall strike from the Final Promotional List the name of any person the Commission has: (i) reason to conclude committed Examination Fraud; or (ii) reason to conclude has engaged in misconduct affecting the person's ability to perform the duties of the Rank to be filled by Promotional Appointment, whether or not such person is in the first, second or third placement at the top of the list on the

Final Promotional List; (iii) theretofore given a Promotional Appointment. Where there are less than three (3) names on the Final Promotional List, as originally posted, or remaining thereon after Appointments have been made or names stricken therefrom, Appointments to fill existing Vacancies shall be made from those whose name remains on the Final Promotional List.

B. On the same date a Promotion is effective, a Vacancy shall occur in the Rank next inferior to that Rank to which the Promotional Appointment has been made, provided that the Position or Positions continue to be funded and authorized by the Board of Trustees. If a Vacancy is not filled due to a lack of funding or authorization, the Final Promotional List shall continue in effect until the date that all Vacancies have been filled or for a period to the date which is five (5) years after the date on which the Position was vacated, whichever date first occurs. When and if funding or authorization is subsequently reinstated, the Candidate or Candidates who would have otherwise been promoted when the Vacancy originally occurred shall be given an Offer of Appointment for Promotion.

C. If no Final Promotional List is in effect, or if all persons on the current Final Promotional List refuse an Offer of Appointment for the Promotion, a successor Final Promotional List shall be prepared following a Promotional Examination and Posted within 180 calendar days after a Vacancy and, until that time, a Temporary Assignment may be made.

D. Any Candidate may refuse in writing an Offer of Appointment for a Promotion once without losing his or her place on the Final Promotional List. The name of any Candidate who refuses an Offer of Appointment for Promotion a second time shall be removed from the Final Promotional List and such action shall not prejudice such person's opportunities to participate in future Promotional Examinations.

**Rule 4-34. Polygraph Device Deceptive Test.**

Whenever ordered to do so, an employee shall submit to a Polygraph Device Deceptive Test, virtually identical to a Polygraph Test, except that it may be administered at any time (as opposed to being a Post-Offer Test) and place as designated by the Commission or by the Department Head unless the officer is under an official investigation. Such Test shall be without expense to the employee. The polygraph report shall become the property of the Commission and shall not be subject to review by any person other than the Commissioners and the Department Head.

## **Division Four. Promotion in the Fire Department**

This provision was written in compliance with the Illinois Firefighter Promotion Act, 50 ILCS 742/1 *et. seq.*, effective August 4, 2003 (“Promotion Act”) and the applicable collective-bargaining agreement as negotiated by the Village of Schiller Park.

### **Rule 4-35. General.**

Promotion to the rank of Lieutenant Paramedic shall be conducted in accordance with the provisions of the Promotion Act and any applicable collective bargaining agreement currently in effect (“Bargaining Agreement”). Except where expressly modified by a Bargaining Agreement, the procedures for promotions shall be made in accordance with the provisions of the Promotion Act.

## CHAPTER V: REGULATIONS FOLLOWING APPOINTMENT

### Rule 5-1. Cumulative Effect of Rules.

The personnel of the Departments shall be governed by the Ordinances of the Village, these Rules as adopted by the Commission and confirmed by ordinance adopted by the President and Board of Trustees, and the respective Department's Regulations of the Fire Department and Police Department. In case of conflict between these Rules and the regulations of the Departments, these Rules shall govern.

### Rule 5-2. Oath of Office.

A. Upon being appointed to any Position in the Police Department or the Fire Department, every Candidate shall take and sign the following oath, which may be administered by any member of the Commission or the Village Clerk in the following form:

“I [state name here] do solemnly swear (or affirm) that I will support and uphold the Constitution of the United States, the Constitution of the State of Illinois and the ordinances of the Village of Schiller Park as well as the rules of the Schiller Park \_\_\_\_\_ Department, and that I will faithfully perform the duties of the Position of \_\_\_\_\_ according to the best of my ability.

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_”

B. This oath shall be taken at the time the Candidate takes his Position upon both Original Appointment and Promotional Appointment, as the case may be. If the Position is being taken pursuant to an Original Appointment, Service Time commences upon taking this Oath.

### Rule 5-3. Residence of Sworn Members.

Employees in the Classified Service shall comply with the residency requirements set forth in the Municipal Code, 65 ILCS 5/1-1-1 *et seq.*

### Rule 5-4. Probationary Period.

Following an Original Appointment, a police officer appointee shall be on Probation for one and one half (1 1/2) years. Firefighter appointees shall be on Probation for one (1) year. Following a Promotional Appointment, an employee shall be on Probation for a probationary period of six (6) months. At the end of this probationary period, an employee's Appointment will be deemed complete and the Department Head shall file with the Commission a statement in writing that the Services of the employee during the probationary period have been satisfactory and that such employee is to continue at the Rank held following such Appointment.

A. During the probationary period an employee accrues vacation, sick leave, and retirement credits. An employee's Service at any Rank may be terminated by the Department Head at will and without a Hearing before the Commission as set forth in Subsection B.

B. If during his probationary period such employee shall be found for any reason to be incompetent or unqualified for the performance of the duties of the Classified Position he is filling, the Department Head:

1. In the case of an Original Appointment may discharge said employee.
2. In the case of a Promotional Appointment, order a demotion to the Rank held prior to such Promotion; or the employee may request demotion.
3. Shall send Notice to the Commission of such termination.

**Rule 5-5. Assignment to Duty.**

All persons receiving an Appointment or Promotion shall be assigned to and perform the duties of the Classified Position to which appointed.

A. Changing the compensation of any Classified Position, whether by ordinance or otherwise, shall not affect the tenure of the incumbent in such Classified Position, unless in the opinion of the Commission such change shall also involve an increase in duties requiring that an Examination be given.

B. In case of necessity an employee may be given a Temporary Assignment with or without extra pay for other than his regular duties. But no such Temporary Assignment shall be for a period of more than 180 calendar days without the written consent of the Commission or the Village Board.

**Rule 5-6 Temporary Appointment**

In order to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the Police or Fire Department, the Commission may make Temporary Appointments, to remain in force until regular appointments may be made but never to exceed 60 workdays. No Temporary Appointment of any one person shall be made more than twice in any calendar year, except when necessary to accommodate a vacancy for Military Leave. Vacancies caused by Military Leave can be filled for duration of the absence.

**Rule 5-7. Temporary Assignments.**

To prevent the cessation of public business, to meet extraordinary circumstances or to prevent material impairment of the Departments, the Department Head may make a Temporary Assignment to fill a Vacancy in a Classified Position other than the lowest Rank, which Temporary Assignment shall remain in force not exceeding 180 calendar days, and only until an Appointment can be made under these Rules. Any person whose name is on the Preliminary Promotional List

or Final Promotional List for a Classified Position may accept a Temporary Assignment to a Position other than or including that for which he was examined and is eligible, without losing his place upon such Preliminary Promotional List or Final Promotional List.

**Rule 5-8 Military Leave of Absence**

A person holding a Position in a Fire or Police Department who enters the military or naval service of the United States because of a war in which the United States is a party belligerent or as required by any Act of Congress shall, upon written application to the Commission, be granted military leave.

A person who has been on Military Leave granted by the Commission and who wishes to return to active duty in his Position shall be credited with Seniority for the period of such leave and, if otherwise qualified, shall be reinstated to his Position at the Rank held at the start of the leave, not more than 60 days after his written request for reinstatement is filed with the Commission. Such request shall be filed not more than 30 days after termination of the Military Service.

**Rule 5-9. Political Contributions and Activities.**

No person in the Fire Department or Police Department of the Village shall be under any obligation to contribute any funds or to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so.

A. No person in the Fire Department or the Police Department shall discharge or promote or reduce, or in any manner change the 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 thing of value for any political purpose.

B. No person in the Fire Department or Police Department, while in uniform or while on duty or during any other time shall in any manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or to vote or to render any political assessment, subscription, contribution or service.

C. An employee is encouraged to exercise his rights and duties as a citizen and to cast his vote in accordance with his conscience and political belief. However, no member of the Fire Department or Police Department shall:

1. Use any official Classified Position to coerce or influence others or solicit or receive any contribution, subscription or service from any person for any political party or political purpose;
2. While in uniform or on duty, circulate petitions or campaign literature for candidates for elected office; and/or

3. Use, in any way, any Position, or its authority or influence to secure, or aid any person in securing, an elected public office.

**Rule 5-10. Medical Tests.**

Whenever ordered to do so by the Commission or by the Head of the Department, an employee shall submit to a Comprehensive Medical Test. Such Comprehensive Medical Test shall be without expense to the employee. The Doctor's report shall be and become the property of the Commission and shall not be subject to review by any person other than the Commissioners, the Secretary and the Department Head.

**Rule 5-11. Psychological Tests.**

Whenever ordered to do so by the Commission or the Department Head, an employee shall submit to a Psychological Test by such psychologist or psychiatrist and at such time and place designated by the Commission or by the Department Head. Such Psychological Test shall be given without expense to the employee. The psychological report shall become the property of the Commission and shall not be subject to review by any person other than the Commissioners, the Secretary and the Department Head. (Re. 2004)

**Rule 5-12. Drug Screening.**

Whenever ordered to do so by the Commission or the Department Head, an employee shall submit to a Drug Screening at such time and place designated by the Commission or by the Department Head, as the case may be. Such Drug Screening shall be without expense to the employee. The report shall become the property of the Village and shall not be subject to review by any person other than the Commissioners and the Department Head.

**Rule 5-13. Layoff, Reduction in Force, Reinstatement.**

All reinstatements shall be conducted in accordance with the applicable provisions of the New Millennium Code of the Village of Schiller Park, Illinois. 65 ILCS 5/10-2.1-5.

**Rule 5-14. Rules Not a Limit on Management.**

Nothing in these Rules shall be construed to limit the power of a Department Head to issue and enforce reasonable personnel rules of the Department that do not conflict with the Village ordinances or these Rules. However, whenever the Department Head issues letters of recommendation, commendation and/or reprimand affecting such employee, a copy thereof shall be provided to the Commission.

## CHAPTER VI: DISCIPLINE AND DISCHARGE

### **Rule 6-1. Discharge and Suspension.**

A. Except as hereinafter provided in this Chapter, no employee who is appointed and has completed his probationary period under these Rules, may be discharged or suspended for a period of more than thirty (30) consecutive calendar days, except for cause upon written charges filed with the Commission in accordance with Rule 6-3 and after an opportunity to be heard in his own defense.

B. Any employee holding a Classified Position who is suspended for more than five (5) calendar days or suspended within six (6) months after a previous Suspension shall be entitled to an Appeal concerning the propriety of such Suspension. Such Appeal shall be made within five (5) calendar days after receiving such order of Suspension. Following the Hearing on such Appeal, the Commission may sustain the action taken, may reverse it with instructions that the employee receive his pay for the period involved, or may suspend the employee for an additional period or discharge him, depending upon the facts presented.

### **Rule 6-2. Cause for Disciplinary Action.**

All employees in the Fire Department and/or Police Department are subject to the ordinances of the Village, the rules of their respective Departments, these Rules and Regulations and, except as amended by these Rules, the Statutes of the State of Illinois. A violation of any such statute, ordinances, the rules of the respective Departments and/or Rules and Regulations shall be cause for disciplinary action. However, in addition to the foregoing, when an-employee's conduct falls below a desirable standard, he may be subject to disciplinary action. The following include and are not limited to that constituting cause for which an employee may be disciplined:

A. Failure to follow the orders of one's supervisor, or superior in Rank within the employee's Department.

B. Absence from work without permission or, when one is absent, failure to report such absence in the manner ordered by the Department Head.

C. Repeated absence or tardiness.

D. Failure to perform assigned work in an efficient manner.

E. Waste of property or working time.

F. Failure to maintain a harmonious working relationship with fellow employees.

G. Possession or use of alcohol or drugs on duty is prohibited. No employee shall be under the influence of alcoholic beverages or drugs to any degree while on duty or when reporting

to duty. Possession or use of controlled substances on duty is prohibited, except when prescribed by an Illinois licensed physician and with the knowledge of the Department Heads.

H. Conduct which is unbecoming a Village employee.

I. Lying to a superior and/or filing a false report.

J. Conviction of any criminal offense.

K. Failure to maintain an employee's physical condition and/or job-related skills, or failure to participate in such physical conditioning maintenance programs and such additional training programs as may be set forth in the Department rules promulgated by his Department Head.

**Rule 6-3. Charges upon Discharge or for a Thirty-One Day or More Suspension.**

Before any employee shall be discharged or suspended for a period of more than thirty (30) calendar days, written charges shall be filed with the Commission in the Village Hall stating specifically the facts alleged which constitute cause for such discharge or Suspension. The Commission shall thereupon precede in accordance with the provisions of Rules 6-4 through 6-9.

**Rule 6-4. Suspension Pending Hearing.**

Pending a Hearing upon written charges, any employee against whom such charges are filed seeking his discharge shall be suspended without pay pending a Hearing upon such written charges. Following such Hearing, the Commission may sustain the action taken, may reverse it with instructions that the employee receive his pay for the period involved, or may suspend the employee for an additional period or discharge him, depending upon the facts presented.

**Rule 6-5. Investigations of Police Officers and Firefighters.**

A. In the event of any Hearing, interrogation, or investigation of any employee holding a Classified Position, before any such employee holding a Classified Position may be interrogated or investigated by or before any disciplinary board, or Department, agent or investigator, the results of which interrogation or investigation may be the basis for filing charges with the Commission seeking his removal or discharge, he must be advised in writing that: (i) The specific improper or illegal act he is alleged to have committed; (ii) his admissions made in the course of the hearing, Hearing, interrogation or investigation may be used as the basis for charges seeking his removal or discharge; (iii) he has the right to have counsel of his own choosing present to advise him at any hearing, at his own cost, Hearing, interrogation or investigation; and (iv) a complete record of any hearing, Hearing, interrogation or investigation shall be made and the complete report thereof will be made available to such Police Officer or Firefighter without charge and without delay.

B. In the course of an investigation of charges, any Sworn Member may administer oaths and may secure a Commission subpoena requiring both the attendance and testimony of witnesses, and the production of books and papers relevant to the investigation.

**Rule 6-6. Subpoenas.**

A. At any time before a Hearing, any Party may file a Motion for one or more subpoenas for any individual to appear for a Hearing or to produce books, papers, records, accounts and other documents; and following such Motion the Commission will issue one or more subpoenas as the Commission deems to be necessary for the Hearing. Subpoenas may be served by any person other than the person requesting the subpoenas so long as the person is at least 21 years of age. A Motion for subpoena must contain the name and address of each person who is the subject of the subpoena and/or the identity of any documents which such person is to produce. Subpoenas will not be issued for any person residing outside of the State of Illinois.

B. Any Motion for continuance by reason of inability to serve subpoenas shall be filed in the Village Hall at least three (3) calendar days before the date set for such Hearing, provided, however, that the Commission in its discretion may waive this rule.

**Rule 6-7. Hearings.**

Within five (5) days after the filing of an Appeal on the propriety of a Suspension subject to review under Rule 6-1 above, the Secretary shall forward copies thereof and a Notice of Hearing to the Department Head. Within five (5) days after the filing of charges alleged to constitute cause for removal, discharge, or Suspension for a period of more than thirty (30) calendar days, the Commission shall cause a Notice of Hearing and copies of the written charges to be served personally upon the employee holding a Classified Position upon whom such charges were filed or shall have the same delivered or mailed to his address as shown on the records of the Commission, as well as a Notice of the time and place of any investigative hearing or Hearing on said charges. During Hearings, evidence may be heard upon any facts or circumstances pertinent to such charges, no matter how broad the charges are.

A. No such Hearing shall be held less than five (5) calendar days after the serving or mailing of a Notice of Hearing. A Hearing of the charges, shall be commenced within 45 days of the filing thereof, which Hearing may be continued from time to time. While each Commissioner is *ex officio* a Hearing Officer, the Commission may appoint a Hearing Officer who is not a Commissioner to conduct said Hearing. In the absence of such Appointment, any one or more of the Commissioners shall conduct said Hearing.

B. During such Hearings:

1. The proceedings shall be public and shall be recorded by a court reporter to be retained by the Commission, except that the Commission may take questions under advisement and deliberate each in Closed Session. The records of all Hearings will not be transcribed by the court reporter unless ordered to do so by the Commission and, in such case, the Party requesting the transcript shall pay the costs thereof.

2. At his or her sole cost and expense, the Party initiating the Hearing as well as the Respondent may each choose to be represented by counsel.
3. Testimony shall be under oath and the oath shall be administered to each witness prior to such witness testifying.
  - a. The Commission will first hear the witnesses substantiating the charges which have been made against the Respondent.
  - b. Thereafter, the Respondent may present and examine those witnesses whom the Respondent desires the Commission to hear.
  - c. All parties shall have the right to cross-examine witnesses presented by the opposing Party.
4. The person initiating any proceedings which provide for a Hearing has the burden of proof to establish that cause does exist by a preponderance of evidence.
5. The matter will be decided by the Commission on evidence presented at the Hearing.

**Rule 6-8. Motions and Continuances.**

A. Motions. In connection with any Hearing, the Commission or the Hearing Officer may, at any time prior to the commencement of the Hearing, specify time and place for filing Motions or other pleadings, and any Party may file Motions or other pleadings with the Commission in the Village Hall or the Hearing Officer, as the case may be, in the manner provided in Rule 6-10.

B. Continuances. In addition to continuances granted pursuant to Rule 6-6, the Commission may, in its discretion, grant continuances of any Hearing upon the Motion of the employee. In such case, if the granting of such Motion will create a postponement of the Hearing for more than thirty (30) days after the original Hearing date set by the Commission, such employee shall sign a waiver of his salary during the time of such postponement prior to his Motion for continuance being granted by the Commission.

**Rule 6-9. Findings and Decision.**

While the Commission itself may conduct the Hearing, a Hearing Officer conducting said Hearing shall file (with the Secretary) findings of fact following the Hearing and recommend a decision for approval by the Commission. The Commission may affirm, modify or reverse any decision or discipline recommended by said Hearing Officer, in whole or in part, or may remand the same for further Hearing or other proceedings. The Commission's order containing the findings and decision of the Commission, as well as the findings and recommended decisions of the Hearing Officer, if any, shall be preserved by the Secretary, and following entry of an order by the Commission, Notice of said findings and decisions shall be given to Department Head.

**Rule 6-10. Filing.**

All papers filed with the Commission, pursuant to Chapter VI, may be mailed or personally delivered to the Secretary at the Village Hall. For the purpose of Chapter VI, the filing date of any paper: If delivered personally, shall be the date it was received in the Village Hall; and if forwarded by mail, shall be the date which is postmarked on the envelope containing such paper. In no case, shall mail, other than United States certified mail, return receipt requested, be a filing.

**Rule 6-11. Process.**

All papers required by these Rules and Regulations to be served shall be delivered personally to the Party designated or mailed by United States of America certified mail, return receipt requested, in an envelope properly addressed with postage prepaid, to the designated Party at his last known address. Proof of service of any paper shall be made by the certification of any person, firm or corporation Party personally, or by the return receipt.

**Rule 6-12. 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.

## CHAPTER VII: DEFINITIONS

### Rule 7-1. Rules of Construction and Definitions.

A. The language in these Rules shall be interpreted in accordance with the following rules of construction: (a) The word “may” is permissive and the word “shall” is mandatory; and (b) except where the context reveals the contrary: The singular includes the plural and the plural includes the singular, and the masculine gender includes the feminine.

B. In these Rules, when the first letter of the following words in bold font are in the upper case, such words have the meanings ascribed to them in this Subsection B, as follows:

1. “Act” means Division 2.1 of Article 10 of the Illinois Municipal Code and as it has been amended by the ordinance approving these Rules adopted by the President and Board of Trustees pursuant to the Home Rule Powers afforded the Village by the Illinois Constitution.
2. “Appeal” means a formal written request by a Sworn Member for a Hearing, filed at the Village Hall.
3. “Applicant” means any person making formal request for Original Appointment and any employee holding a Classified Position making formal request for Promotion.
4. “Application” means a formal request for Examination on forms provided by the Commission as set forth in these Rules.
5. “Appointment” means the filling of a Classified Position by the Commission administering, or causing the administering of, the oath of office following Examination and certification of the Applicant by the Commission. See also: “Original; Appointment” and “Promotional Appointment”.
6. “Break In Continuous Service” means furloughs and Leaves of Absence without pay exceeding thirty (30) consecutive days, excluding Military Leave but including and not limited to Layoffs and Medical Leaves.
7. “Candidate” means an Applicant who has been placed on any Preliminary Eligibility List, Final Eligibility List, Preliminary Promotional List or Final Promotional List and who has received an Offer of Appointment to a Classified Position but who has not completed all Post-Offer Tests required for Appointment.
8. “Chief” means a Department Head who also simultaneously holds a Classified Position, provided such person has not previously resigned from such

Classified Position, who shall be deemed on furlough from such Classified Position for so long as such person is Chief.

9. “Classified Position” means a position of any given Rank, obtained by Appointment, held by Sworn Members in the Departments of the Village, other than those described in the ordinances of the Village as Exempt Positions.

10. “Commission” or “Board of Fire and Police Commissioners” means the Board of Fire and Police Commissioners of the Village.

11. “Commissioner” means a member of the Commission.

12. “Conscientious Objector” means a person who for moral or religious reasons is opposed to participating in any war, and who is therefore deferred from Military Service but is subject to serving in civil work for the national health, safety interest; or who has been so classified by his or her local selective service draft board.

13. “Continuous Service” means Service Time not interrupted by Resignation, or dismissal. Layoffs and/or Suspensions of less than thirty-one (31) consecutive days in duration, and Leaves of Absence, shall not interrupt Continuous Service but the duration of Breaks In Continuous Service of such Leaves of Absence (excluding Military Leave) shall be deducted from the amount of Continuous Service accrued.

14. “Department” means the Fire Department or the Police Department, as the case may be.

15. “Department Head” or “Head of the Department” means and may be either the Chief or the Director, as the case may be.

16. “Director” means a Department Head who is a civilian Sworn Member.

17. “Drug Screening” means a chemical test or tests of a person administered by a licensed physician, separately or as a part of a Comprehensive Medical Test, to determine the alcohol concentration; or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act in such person’s system.

18. “Emergency Medical Service System Permit” means the certificate issued by a hospital designated by the Village and affiliated with the Village’s Emergency Medical Services program following such hospital’s examination of a Paramedic who is an Applicant for Firefighter/Paramedic, which must be obtained by such Paramedic prior to or within forty-five (45) days after such Applicant has been given an Offer of Appointment.

19. “EMS” or “Emergency Medical Services” means the system of providers which, through a program plan submitted to and approved by the Illinois Department of Public Health, entitles a hospital to utilize qualified personnel to provide or coordinate pre-hospital and inter-hospital emergency care at an advanced or intermediate level to victims of illness or injury within the area specified in the program plan.

20. “Examination” means the entire series of Pre-Offer Tests and Post-Offer Tests prescribed by the Commission to which every Applicant must be subjected and which each Candidate must have completed successfully to be certified by the Commission for any given Appointment.

21. “Examination Fraud” means any one or more of the following that takes place when a Candidate or Applicant by himself or in cooperation with one or more other persons: Signs or furnishes any document, including but not limited to an Application, which omits any pertinent information or contains a false or misleading statement; or participates in any false or misleading statement made in any certificate accompanying such Application; or is complicit in any omission of any pertinent information from or untrue or misleading statement in any such document; or attempts to obtain or obtains an advantage over other Applicants or Candidates by making any false representation regarding himself or any of the other Applicants or Candidates; or impersonates anybody else or allows anybody else to impersonate him; or uses or aids anybody else in using any information surreptitiously obtained; or uses or aids anybody else to use any device or document or other memoranda during any Test, contrary to Examination procedures established by the Commission.

22. “Examiner” means any person, firm or corporation authorized by the Commission to administer Tests, including the Secretary and the individual Commissioners. (Rev. 2004).

23. “Exempt Position” means a Position in a Department designated by ordinance adopted by the President and Board of Trustees and held by a Sworn Member officially appointed by the Village President without the requirement of Examination and Appointment, with the understanding that the holder of such Exempt Position may also hold a Classified Position if such person has not previously resigned such Classified Position.

24. “Final Eligibility List” means that list of persons eligible for Original Appointment following Pre-Offer Tests therefore and adjusted to reflect Military Credit and/or Firefighter Preference, if any — as such list is established by the Commission. See also “Preliminary Eligibility List”.

25. “Final Promotional List” means the list containing names that appear on the Preliminary Promotional List, adjusted to reflect Military Credit, if any.

26. “Fire Department” means those Sworn Members holding either a Classified Position or an Exempt Position or both in the Fire Department of the Village.
27. “Firefighter” means an employee of any Rank who is a Sworn Member of the Fire Department employed to perform paramedic duties and firefighter duties, the latter of which shall include but not be limited to controlling and extinguishing fires at the locations of any such fires and enforcing fire protection and prevention laws and ordinances; and which may include serving as a fire engineer, marine engineer, fire pilot, bomb technician or scuba diver.
28. “Firefighter/Paramedic” means a Sworn Member holding the lowest Rank in the Fire Department.
29. “Firefighter Preference” means the credit as set forth in these Rules available to Applicants for Original Appointment to the Position of Firefighter/Paramedic for prior service as a Firefighter.
30. “Fiscal Year” means any given May 1 through the following April 30.
31. “Hearing” means one or more sessions authorized by the Commission open to the public, for the purpose of deciding issues of fact regarding charges that have been filed with the Commission, at which arguments and evidence are presented, the latter of which may include the testimony of witnesses.
32. “Hearing Officer” means one or more persons who preside over and conduct a Hearing, whether or not such person is a Commissioner but is authorized by the Commission to conduct a Hearing, who has the power to administer oaths, take testimony, rule on questions of evidence, and make factual and legal determinations. In all cases a Commissioner is *ex officio* a Hearing Officer, with the understanding that if two or more Commissioners conduct the Hearing, the Chairman of the Commission shall be the presiding or, in the absence of the Chairman, the Commissioner having seniority shall be the presiding Hearing Officer having final rule-making authority on questions of evidence.
33. “Illinois Municipal Code” means 65 ILCS 5/1-1-1 *et seq.*, as amended from time to time.
34. “Initial Eligibility List” means that list containing names of Applicants eligible for Original Appointment following and having passed the Pre-Offer Tests, established by the Commission, but not yet adjusted to reflect Preference Points.
35. “Layoff” means an interval of forced unemployment.
36. “Leave of Absence” means an excused absence in accordance with these Rules.

37. “Medical Leave” means time off from work without pay for injuries or sustained illness.
38. “Military Credit” means the preference points for Application and Appointment available pursuant to these Rules to any Applicant who was engaged in full time Military Service for at least one (1) full year and honorable discharged therefrom.
39. “Military Service” means having been engaged in military or naval service of the United States of America for at least one (1) year and being honorably discharged therefrom or being now or hereafter on inactive or reserve duty in such military or naval service but not including, in the case of Positions within the Police Department, being convicted by court-martial of disobedience of orders.
40. “Municipal Code” means The New Millennium Code of the Village of Schiller Park, as amended, and as it may be amended further from time to time hereafter.
41. “Notice” means any notification required by these Rules to be given., which, if to an individual person, shall be delivered personally or sent by certified United States mail, return receipt requested to the last known address of the person; or in the case of an employee, a delivery or mailing to the address of such person on file in the Village Hall shall be adequate notification; or in the case of the Commission, a delivery to the Village Hall shall be adequate notification.
42. “Offer of Appointment” means the act of the Commission in making an Appointment which may be conditioned upon the Candidate’s successful completion of Post-Offer Tests.
43. “Open Meetings Act” means the Open Meetings Act, 5 ILCS 120/1 *et seq.*, as amended from time to time.
44. “Orientation” means the presentation made by the Commission to prospective Candidates regarding the requirements of the Position sought.
45. “Original Appointment” means the official naming by the Commission of a person to the lowest ranking Position in Police Department, being that of Patrol Officer, or Fire Department, being that of Firefighter/Paramedic.
46. “Original Examination” means an Examination administered by the Commission to Applicants.
47. “Paramedic” means a person who is an Emergency Medical Technician - Paramedic licensed by the Illinois Department of Public Health.

48. “Party” means, generically, either contestant or side in any Hearing: On the one hand, a Chief or Director or other person who files charges or responds to an Appeal; and, on the other, the Sworn Member who responds to the charges or who makes an Appeal.

49. “Patrol Officer” means a Sworn Member holding the lowest Rank in the Police Department.

50. “Physical Fitness Test” or “Medical Test” or “Comprehensive Medical Test” means a Test that consists of a thorough review of the medical condition of the body of an Applicant by a medical physician or physicians designated by the Commission to determine the health and condition of the bodily functions of the Applicant to perform the essential functions of the Position for which Application has been made and shall include but not be limited to psychological, vision and hearing evaluations and a Drug Screening.

51. “Police Department” means those Sworn Members holding a Classified Position, an Exempt Position, or both in the Village Police Department.

52. “Police Officer” means an employee of any Rank who is a Sworn Member of the Police Department and employed to perform law enforcement duties.

53. “Position” means a defined office, occupation, or place within the employment of the Fire Department or Police Department. See also “Classified Position” and “Exempt Position”.

54. “Post” the verb, including all of its principal parts, tenses and voices, means the placing of a document or documents on a bulletin board or on a wall in the Village Hall of the Village, all of the fire houses of the Fire Department, and the offices of the Police Department.

55. “Preference Points” means the preference points for Application and Original Appointment available for education, residence, paramedic certification, fire cadet, experience and additional points pursuant to these Rules to any Applicant who is eligible for said points.

56. “Preliminary Eligibility List” means that list containing names of Applicants eligible for Original Appointment following and having passed the Written Test.

57. “Preliminary Promotional List” means that list containing names of Applicants successfully passing the Pre-Offer Tests in a Promotional Examination, established by the Commission, ranked by grade average as determined by Test scores and Seniority, but not yet adjusted to reflect Military Credit.

58. “President and Board of Trustees” or “Board of Trustees” means the President and Board of Trustees of the Village, being the corporate authorities of the Village.
59. “Probation” means the testing of a person’s on-the-job conduct and performance in and suitability for a given Classified Position undertaken over a probationary period, commencing with his Appointment to such Classified Position.
60. “Promotion” means an employee’s advancement by Appointment to a higher Rank in the Classified Service.
61. “Promotional Appointment” means the Appointment of an employee to a higher Rank in the Classified Service.
62. “Promotional Examination” means an Examination administered by the Commission to Candidates for Appointment to a Position or Rank higher than that of an Original Appointment.
63. “Promotional List” means a list used in the Promotion process of the Department, and may refer either to a Preliminary Promotional List or a Final Promotional List.
64. “Rank” means an employee’s defined office, occupation, or place in the Fire Department or Police Department.
65. “Reinstatement List” means the list containing the names, according to Seniority, of employees in the Fire Department and/or Police Department who have been laid off and are awaiting reinstatement.
66. “Resignation” means a formal giving up or surrendering of one’s Position.
67. “Respondent” means an employee in the Classified Service upon whom charges are served.
68. “Rules” or “Rules and Regulations” means the Rules and Regulations of the Board of Fire and Police Commissioners.
69. “Secretary” means the Village employee assigned by the Village President to the Commission as its aide.
70. “Seniority” means the holding of more Service Time than another employee in the same Rank.

71. “Seniority Credit” means the points earned and automatically assigned under these Rules for Continuous Service to Applicants for Promotional Appointment.

72. “Seniority List” means the roster of all of the Sworn Members, who are qualified to participate in a given Promotional Examination, in the next lower Rank to that of the Position to be filled by Promotion and created at the time of the Notice of Examination in the manner set forth in these Rules.

73. “Service or Classified Service” means the holding of a Classified Position in the employ of the Village.

74. “Service Time” means the length of time in years, each consisting of a twelve- month period and the total years excluding fractional years, from the date of Original Appointment that an employee has been in the Classified Service.

75. “Suspension” means the temporary removal of an employee from his Position.

76. “Sworn Member” means a full-time employee who has taken the oath of office administered by the Commission, as set forth in Rule 5.2.

77. “Temporary Appointment” means a designation (not an Appointment) by the Commission of a person to fill, for 60 workdays or less, a Classified Position, which Classified Position may be of a Rank higher than the Rank of the temporary appointee.

78. “Temporary Assignment” means any designation by a Department Head of a person to fill a Position normally held by Sworn Member of a Rank higher than the Rank of the temporary assignee, which Position shall be held by the temporary assignee for 180 consecutive calendar days or less.

79. “Vacancy” means the time a Classified Position in the Fire Department or the Police Department is vacant and unoccupied, having no incumbent or occupant of such particular Classified Position by reason of but not limited to the incumbent’s death, dismissal, lay-off, Promotion, and/or Resignation.

80. “Village” means the Village of Schiller Park, Cook County, an Illinois municipal corporation and Home Rule Unit as described in the Illinois Constitution.

81. “Village Clerk” means the Village Clerk of the Village.

82. “Village President” means the Village President of the Village.