

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

**VILLAGE OF CAROL STREAM
STATE OF ILLINOIS**

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**RULES AND REGULATIONS OF THE
BOARD OF FIRE AND POLICE COMMISSIONS**

Village of Carol Stream
State of Illinois

CHAPTER I -- ADMINISTRATION

Section 1. **SOURCE OF AUTHORITY**

The Board of Fire and Police Commissioners of the Village of Carol Stream, Illinois derives its power and authority to promulgate rules and regulations from an Act of the General Assembly entitled, "Division 2.1 Board of Fire and Police Commissioners," Chapter 65, Illinois Compiled Statutes, Section 5/10-2.1-1 et seq. (hereinafter, "the Act"), and from the home rule powers of the Village of Carol Stream, as provided in Article VII, Section 6 and 10(a) of the Constitution of the State of Illinois of 1970. Any references to certain provisions of the Act or other laws set forth in these Rules and Regulations are merely provided for general reference only and are not to be construed as a limitation upon the Village's use of its home rule authority to adopt certain rules and regulations that may be less stringent or more stringent or that may eliminate or add regulations beyond those in the Act or other applicable laws. The Village of Carol Stream is a home rule community, and to the extent these rules and regulations conflict with any specific provisions of said law, the provisions of these rules shall supersede and be given full force and effect.

Section 2. **DEFINITIONS**

The word "Board" wherever used shall mean the Board of Fire and Police Commissioners of the Village of Carol Stream. The word "Officer" and/or "sworn member" shall mean any person appointed, sworn, and commissioned in the full time classified service in the Police Department of the Village of Carol Stream, except the Chief of Police, Deputy Chief of Police, and Commander, as provided by Statute. The singular includes the plural, and the plural the singular. Whenever the masculine pronoun is used herein, it shall include the feminine pronoun as well.

Section 3. **APPOINTMENTS & TERMS OF OFFICE**

The Board shall consist of three (3) members appointed by the Mayor, with the consent of the Village Board. Each member's term of office shall be three (3) years and until their respective successors are appointed and have qualified. No bond shall be required of any Board member. Political affiliation shall not be considered and no affidavit of political affiliation shall be required.

Section 4. OFFICERS OF THE BOARD AND THEIR DUTIES

The Board shall annually elect a Chairman and a Secretary at the first meeting in May. Said officers of the Board shall hold office for one (1) year and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book, and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board, and shall perform such other duties as the Board shall prescribe from time to time. The Board may employ a recording secretary to assist the Secretary.

Section 5. MEETINGS

The Board shall select the time and place of its regular meetings. At the commencement of each fiscal year, the recording secretary shall post a notice of the date, place and time of the regular meetings. Notice shall be posted and meetings shall be subject to the Open Meetings Act.

Special meetings may be called pursuant to a request by any two members or the Chairman for a special meeting. Such request for a special meeting shall be filed with the Secretary of the Board. Upon receipt of such a request, the Secretary, recording secretary or any Board member may send notice of the meeting to all members and any other person required by law to receive such notice. The notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meeting, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting.

Notice of meetings of the Board shall be given in accordance with the Open Meetings Act.

During any regular or special meeting, a closed session may be held upon proper motion made by any member of the Board for the purpose of discussing the appointment, employment, discipline or dismissal of an officer or employee. Closed sessions shall be limited to Board members, the Board attorney and such invited persons as the Board may deem necessary

The Board Secretary shall keep minutes of all Board meetings. Such minutes shall include , but are not limited to, all motions and seconds, their authors, and the actions taken thereon.

Section 6. QUORUM

Two (2) members of the Board shall constitute a quorum for the conduct of all business.

Section 7. ORDER OF BUSINESS

The order of business at the meetings of the Board shall be as follows:

- (a) Call to order
- (b) Approval of the Minutes
- (c) Communications
- (d) Unfinished business
- (e) New business
- (f) Adjournment

Section 8. PROCEDURAL RULES

The parliamentary procedures prescribed in Robert's Rules of Order shall be followed to the extent they are applicable.

Section 9. AMENDMENTS

Amendments to the rules of the Board may be adopted at any meeting of the Board.

All rules and regulations and any charges therein shall be printed immediately for distribution, and notice shall be given of where the printed rules and regulations may be obtained and of the date, not less than ten days subsequent to the time of printing, when the rules or changes therein shall go into effect. This notice shall be published in one or more newspapers with a general circulation within the village. A copy of the rules and regulations, and any amendments, shall be posted on the Village's website.

Section 10. ANNUAL BUDGET REQUEST

The Board of Fire & Police shall submit a budget request to the Village on or before December 31st of each year for expenditures anticipated in the following fiscal year. The Board of Fire & Police shall submit a budget request to the Village on or before December 31st of each year for expenditures anticipated in the following fiscal year.

CHAPTER II -- APPLICATIONS

Section 1. RESIDENCE REQUIREMENTS

All applicants for examination shall be citizens of the United States or aliens admitted for permanent residence or lawfully admitted for temporary residence and who produce evidence of intention to become a citizen of the United States. Applicants for examination must agree to become residents of the State of Illinois at the time of their appointment and further to reside within the area prescribed by the Village Board. The Board shall observe such residence requirements as established by Ordinance.

Section 2. AGE REQUIREMENTS

Unless otherwise provided, applicants for original appointments must be at least 21 years of age as of the date specified on the notice of examination.

All applicants for a position shall be under 35 years of age unless they qualify under one or more of the other age exemptions contained within State law. In addition, applicants may be under 21 years of age if they qualify for one of the exemptions under State law which allows persons of a younger age to make application. A veteran shall be allowed to exceed the maximum age provision of this Section by the number of years served on active military duty, but by no more than 10 years of active military duty.

Section 3. APPLICATION

The Board shall furnish application packets for positions on the Police Department. The packet shall contain information about the testing and selection process and the expected duration of the process.

Applications for the Police Department shall be filed on the forms furnished by the Board. All applications shall be typed or printed, signed by the Applicant and filed with the Secretary of the Board. Each Applicant shall be responsible for advising the Board of any changes in information disclosed upon the application. Failure to do so shall be cause for disqualification of the Applicant. New applications shall be filed for each examination. Applications of persons who fail to appear at the time and place specified for holding an examination, or who failed a previous examination, shall not be used in subsequent examinations.

Upon request, each Applicant shall furnish a copy of Military Services records and discharge records, if any, birth certificate, naturalization papers, high school

diploma or G.E.D. certificate, a copy of any college degree and, if requested, a copy of a certified transcript of course work from an accredited college or university.

A false statement or omission made by an Applicant in an application, any connivance in any false statement made in any application or certificate or document or complicity in any fraud with respect to the same shall be cause for disqualification of the Applicant.

Section 4. DEFECTIVE APPLICATIONS

Applicants who submit defective or incomplete applications may be notified by the Board that they are required to provide additional information or otherwise correct the application, provided the applicant appears to be otherwise qualified for the position he or she seeks. However, the Board shall be under no obligation to identify any defective or incomplete application or to notify any Applicant of a defective or incomplete application.

Section 5. NOTICE OF ACCEPTANCE

The Secretary will notify all applicants whose completed applications have been accepted by the Board to present themselves for orientation.

Section 6. NOTICES

Notices to Applicants of any matters involving the application process, testing or appointment may be made by regular mail or email. The Board shall not be responsible for the Applicant's receipt of any notice sent by regular mail or email. If any Applicant does not duly respond to the notice, the Applicant may be eliminated from further consideration.

Section 7. RIDE ALONG

Prior to hire, each Police Officer applicant shall be required to attend a minimum of one mandatory ride along with a current member of the Carol Stream Police Department.

Section 8. POLYGRAPH EXAMINATION

Any applicant for an original position or promotion with the Police Department of the Village of Carol Stream shall be required to submit to a Polygraph Device Deceptive Test, at such time and place as the Board may, in writing, designate. Such test shall be given without expense to the applicant. Failure of the applicant to

take or to cooperate in such test shall disqualify him/her from further consideration for appointment.

Section 9. MEDICAL AND PSYCHOLOGICAL EXAMINATIONS

Upon receiving a conditional offer of original employment or promotion, applicants shall be required to submit to a physical and medical examination by a licensed physician, who may be designated by the Board.

Each application for either an original position or for promotion may be required to submit to a psychological examination in conjunction with a medical examination by such psychologist as the Board may, in writing, designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or pass such test shall eliminate him/her from further consideration.

Section 10. DISQUALIFICATION

- A. The following acts shall automatically disqualify any applicant from examination and consideration for appointment:
1. Sale any illegal drug identified as a Schedule I, II or III controlled substance in the Illinois Compiled Statutes;
 2. The illegal usage of any prescription drug or legally obtainable substance that was not prescribed to you by a licensed physician or that is used in a manner for which it was not intended within the past three (3) years;
 3. The usage of cannabis within the past three (3) years.
 4. Is found to have taken an illegal drug identified as a Schedule I, II or III controlled substance in the Illinois Compiled Statutes, and not legally prescribed by a licensed physician within the last ten (10) years;
 5. Conviction of a felony or any misdemeanor involving moral turpitude as specified in Section 5/10-2.1-6 of the Board of Fire and Police Commissioners Act;
 6. Conviction of a misdemeanor crime of domestic violence, or for any other reason has lost, forfeited or been deprived of the lawful capacity to possess firearms or ammunition;

7. Conviction of a crime that requires registration under the Sex Offender Registration Act, 730 ILCS 150/1 et seq.;
 8. Entry as a gang member or associate in LEADS or similar law enforcement data system;
 9. Classification by the Selective Service as a conscientious objector;
 10. Dishonorable discharged from the military service; and
 11. Any deception or fraud or attempted deception or fraud in the application, supporting documents, examinations or other submissions to or dealings with the Board, the Department or the Village, any knowing receipt of test questions or answers prior to taking any examination, or any untruthful responses to questions during the application process.
- B. In addition to the automatic disqualifiers set forth above, at any stage of the application process, and to the extent permitted by statute and case law, the Board may refuse to examine, or after examination to certify or fully certify as eligible, any applicant who:
1. is found lacking in any of the established preliminary requirements for the service for which he or she applies, as set forth in the notice of position availability;
 2. is physically, mentally or medically unable to perform the essential core duties of the position for which he or she seeks appointment, as set forth in the notice of position of position availability;
 3. in the opinion of a license physician, has any physical, mental or medical condition or disorder that would create a safety risk to the Applicant or any Village employee or the general public, if the Applicant were hired as a police officer;
 4. is addicted to the habitual use intoxicating beverages to the extent that performance may be diminished on the job;
 5. has been involved in any situation whether charged, convicted or not that would constitute a felony or any misdemeanor involving moral turpitude, under the Illinois Compiled Statutes;

6. has committed the offense of driving under the influence or has committed multiple misdemeanor traffic violations exhibiting a total lack of regard for traffic laws;
7. has been dismissed from any public service for a good cause;
8. omits material information in his application, supporting documents, or other submissions to the Board, the Department or the Village;
9. fails to cooperate in the application process, including but not limited to failure to provide full and complete information, to respond to any request for information, or to provide authorization in order to receive information or records from third parties;
10. has, in the opinion of the Board, unsatisfactory character and employment references;
11. has a work record which reveals excessive absences, repeated unexcused tardiness, unremediated misconduct, work performance problems, verified harassment of fellow employees or any pattern of inability to maintain employment,
12. has a consistent pattern of financial irresponsibility creating a reasonable doubt as to the Applicant's ethics, stability, trustworthiness, honesty or moral character;
13. does not possess a valid driver's license;
14. has failed to appear for, or failed any examination or otherwise has not successfully completed any portion of the examination process;
15. has previously tested for the position of police officer or firefighter and has failed the polygraph, background check or a psychological examination;
16. has not successfully completed the background examination, who has made admissions during the polygraph examination of criminal conduct or such other conduct that would otherwise disqualify Applicant or who has attempted to influence the results of the polygraph examination in any manner;
17. does not possess a valid high school diploma or its equivalent or lack of a grade point average of less than 2.0 in college or high school; or

18. in the reasonable opinion of the Board, is otherwise unqualified for service in the Police Department.

C. An applicant that has been disqualified or failed any phase of the application process will be notified, in writing within 30 days of such a decision by the Board. An Applicant may request in writing that the Board review its decision to disqualify by stating the reason(s) why such review is appropriate and providing any evidence that the decision should be reversed. The Board shall respond to such request within a reasonable period of time.

Section 11. TESTING IRREGULARITIES

If, based on the totality of the circumstances, the Board has a reasonable basis for believing that the results of any examination administered under Chapters III or IV below are erroneous, inaccurate or in any other way irregular, the Board may direct the applicant(s) in question to submit to a retaking of such test before an alternate examiner.

Section 12. BACKGROUND INVESTIGATION

The police department will conduct a background investigation. The background investigation may consist of a number of elements, including but not limited to verification of qualifying credentials, a background interview of the Applicant, verification of at least three personal references, and criminal, credit reference and employer investigations.

The police department will use trained personnel to collect the required background information.

Background information will be placed in the applicant's file and maintained by the Fire and Police Commission in accordance with this policy regarding the retention of records.

The Applicant shall provide a signed waiver for access to such records as may be required by the Board to conduct a thorough background investigation in order to determine the Applicant's eligibility for appointment.

CHAPTER III -- EXAMINATIONS -- ORIGINAL APPOINTMENTS

A. GENERAL PROCEDURES

All elements of the selection process for sworn personnel use only those rating criteria or minimum qualifications that are job related. The selection process incorporates only those components that have been documented as having validity, utility, and a minimum adverse impact. The selection process has a criteria-related validity. All written tests or materials administered by a private sector or vendor will meet the requirements of validity, utility and minimum adverse impact.

Section 1. EXAMINATIONS

The Board shall call for competitive examinations to establish eligibility lists. A call for such examination shall be entered in the minutes of the Board and shall include information pertaining to:

- (a) the time and place where such examination will be held;
- (b) the period for the Board's receipt of applications, which period shall be for at least a two-week period, and shall terminate a minimum of ten (10) days before the examination procedures begin;
- (c) the position to be filled from the resulting eligibility list.

Section 2. NOTICE OF EXAMINATIONS

Examinations for original appointment shall be advertised in a local newspaper in accordance with 5/10-2.1-13. Advertisements will include electronic media and postings. All announcements will include a description of duties, responsibilities, requisite skills, educational level, and other minimum requirements. Announcements should be posted at community service organizations and the Department should seek assistance from community leaders. All announcements will include an official deadline for the acceptance of applications.

Examinations may be postponed, however, by order of the Board, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

Section 3. TYPES OF EXAMINATIONS

Applicants must attend the orientation program sponsored by the Board.

Applicants will then be required to undergo various tests, including examinations, written and oral. The subject matter for examinations shall be such as will fairly test the capacity of the applicant to discharge the duties of the position to which the Applicant seeks appointment. No examination shall contain questions regarding the Applicant's political or religious opinions or affiliations.

The Employee Relations Department will maintain contact with all applicants from initial application to final employment disposition.

Section 4. ORDER OF EXAMINATIONS

Examinations will be held as prescribed by the Board. Failure to pass any test graded on a "pass/fail" basis shall disqualify the applicant from any further participation. Each weighted component of the examination process shall be based upon a scale of 1 to 100. An applicant must achieve at least a minimum passing score on the physical ability and written examinations which shall be established with the testing agency employed by the Board and announced at the mandatory orientation meeting prior to the beginning of the testing process. The nature of the testing process examinations and related scoring are:

<u>Examination</u>	<u>Weight</u>	<u>Passing Grade</u>
written examination	80%	minimum passing score set at orientation meeting
oral boards	20%	minimum passing score set at orientation meeting
polygraph examination*		pass./fail
credit, moral, and other background investigation		pass/fail
oral interview by Board		pass/fail
physical agility test**		pass/fail
psychological examination / medical examination***		pass/fail

*further investigation of all polygraph examination results will be performed.

**passing of physical agility test for academy attendance as required by State law &

academy attendance.

*** administered after a conditional offer of employment is made.

All elements of the testing process shall be administered, scored, evaluated, and interpreted in a uniform manner.

B. WRITTEN EXAMINATION

Section 1. NATURE OF EXAMINATION

The material used in these examinations shall be of such a nature as to adequately assess the Applicant's aptitude to assimilate training as a Police Officer.

Section 2. FINALITY

All examination papers shall be and become the property of the Board and the grading thereof by the Board shall be final and conclusive. Applicants who fail to achieve a passing grade will be notified and eliminated from all further consideration.

C. ELIGIBILITY REGISTER

Section 1. PLACEMENT ON REGISTER

The Board shall prepare and keep a register of persons whose score on the written examination is not less than the minimum fixed by these rules, and who are otherwise eligible. These persons shall take rank upon the register as Applicants in the order of their relative excellence as determined by the written examination without reference to priority of time of examination.

Section 2. POSTING OF PRELIMINARY REGISTER; PREFERENCES

Within 20 days after the written examination, a preliminary eligibility list shall be posted by the Commissioners, which shall show the final grades of the Applicants and be subject to the claims for preference points as provided hereunder. Applicants who are eligible for veteran, educational, or law enforcement certification preference points must make a claim in writing with proof thereof within 10 days after the date of the preliminary eligibility list or such claim will be waived. No Applicant will be eligible to receive more than 5 preference points in total. It is the intent of these rules that the preference points to be awarded comply, from time-to-

time, with the requirements of the State statutes. If there is a difference between the preference points set out below and those specified within State statutes, the latter shall apply.

(1) Veteran's Preference Points.

Applicants who have served in the active military or naval service of the United States for a period of at least one year and who were honorably discharged therefrom, or who are or may hereafter be on inactive or reserve duty in such military or naval service, shall be eligible for five (5) preference points pursuant to 65 ILCS 5/10-2.1-8. For purposes of this Section, if a person has been deployed, then "active military or naval service of the United States includes training and service school attendance, as defined in 10 USC 101(d), which is ordered pursuant to 10 USC 12301(d).

(2) Prior Service Preference Points.

Applicants who either (i) have been employed by the Village as Community Service Technicians, or (ii) possess a certificate of Basic Law Enforcement Training Course as provided in the Illinois Police Training Act shall be eligible for preference points as follows:

- i. Applicants with at least two (2) years' employment by the Village as a Community Service Technician, or certified and having at least two (2) years employment as a full-time sworn peace officer are eligible for five (5) points at the time of examination for original appointment to the Police Department.
- ii. Applicants with experience of up to two (2) years' employment by the Village as a Community Service Technician, or certified and having zero (0) to two (2) years employment as a full-time sworn peace officer are eligible for three (3) points at the time of examination for original appointment to the Police Department.

(3) Education Preference Points.

Applicants who possess a Bachelor's Degree in any academic discipline at the time of their application for employment with the Department shall be eligible for five (5) preference points. Applicants who hold a valid Associate's Degree in law enforcement or criminal justice at the time of

their application for employment with the Department shall be eligible for three (3) preference points.

Section 3. FINAL ELIGIBILITY ROSTER

The Board shall prepare a “Final Eligibility Roster” which shall include claimed preference points. Appointment shall be subject to a final polygraph examination, psychological, background investigation, oral interview, and physical examination as provided by these rules. Eligibility lists will be in effect for no more than three (3) years.

Applicants shall be appointed from the eligibility list in descending order. Notwithstanding anything to the contrary contained in these rules and regulations, the Board may, in its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of a minimum standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.

D. POLYGRAPH EXAMINATION

Applicants, on notification of a pending vacancy, shall submit themselves for a polygraph examination as provided by these rules at such time and place as the Board may in writing designate.

The polygraph examiner will review the questions with the Applicant prior to the actual examination. The polygraph examiner will be a licensed polygraph examiner designated by the Board.

If the Applicant fails the polygraph test (deception was detected by the examiner), the Applicant may be disqualified. The results of the polygraph examination, whether truthful statements were made, or deception was detected, will be investigated during the background phase of the testing process, and then reviewed by the Board for determination.

E. ORAL EXAMINATION BY BOARD

Section 1. ATTENDANCE OF BOARD MEMBERS

No less than two (2) Commissioners shall conduct the Oral Examination. Questions may be asked by the Commissioners or persons selected by the Commissioners. The same Commissioners shall not be required to interview each applicant.

Section 2. SUBJECT OF EXAMINATION

Questions shall be asked of the Applicant that will enable the Commissioners to properly evaluate and grade the Applicant on voice and speech, appearance, alertness, ability to present ideas, judgment, emotional stability, self confidence, friendliness and personal fitness for the position.

Section 3. COMMISSIONERS' DECISION

On completion of each oral interview, the Commissioners will discuss the Applicant's ability using the traits listed in Section 2 above. Each Commissioner will then grade the Applicant on a pass/fail basis. The Commissioners will determine the pass/fail status of each Applicant. Applicants who fail are automatically eliminated from all further consideration.

F. CREDIT AND MORAL EXAMINATION

The Board may conduct an investigation of the applicant's character and fitness. The Board may cause the conduct of an investigation of the financial history of the applicant with a view toward determining whether the applicant's prior use or abuse of credit or questionable financial dealing or special financial dependency create a reasonable doubt as to the Applicant's ethics, stability, trustworthiness, honesty or financial responsibility. The applicant shall furnish all information requested to assist the Board in conducting this investigation including but not limited to fingerprints, financial and credit records.

G. MEDICAL EXAMINATION

An Applicant, upon notification of a conditional offer of employment, shall submit himself for a complete medical examination by a licensed physician designated by the Board. Failure to pass this examination shall eliminate the Applicant from the "Eligible Register" and any further consideration.

H. PSYCHOLOGICAL EXAMINATION

Upon notification of a condition offer of employment, an Applicant shall submit himself for Psychological Examination by a licensed psychologist designated by the Board. . Failure of the Applicant to take or successfully complete such test shall disqualify the Applicant to enter upon the duties of the office for which the application for examination was filed. A Applicant shall be considered to have failed the polygraph examination if the Board finds that the Applicant has (1) admitted during the pre-test interview any wrongdoing or the commission of any

act that would otherwise disqualify the Applicant from appointment; (2) admitted during the pre-test interview any wrongdoing or act that was not admitted in the applicant's application and would disqualify the Applicant from appointment; (3) admitted wrongdoing during the course of the polygraph test that was not admitted during the pre-test interview; (4) answered questions during the course of the polygraph test in a manner that the Board determines to be indicative of deception.

I. DRUG SCREENTING

Any Applicant for original appointment shall be required to pass a drug screening test to establish the Applicant's fitness to perform the duties of police officer. Failure to pass the drug screening shall disqualify the Applicant from further consideration.

J. EFFECT OF WAIVER OF APPOINTMENT

Any person whose name appears on an Eligibility Register for original appointment compiled under this Chapter III, but who declines original appointment, shall be removed from the Eligible Register and shall not be considered further. Any person whose name appears on an Eligibility Register for promotional appointment compiled under Chapter IV below may decline appointment one time. Any person so declining a promotional appointment is required to notify the Board in writing within five (5) days from the time appointment is offered. In the event a person declines a promotional appointment for a second time, the Board, in its discretion, may strike the name of such Applicant from the Eligibility Register.

K. PROBATION

Original appointees shall be on probation for a period of twenty-five (25) months. The probationary period shall be extended by adding to the 25 month period any time that the probationer receives as an authorized leave. A probationary member may be discharged by the Chief of Police. The Chief shall notify the Board of the discharge. The discharge procedures set forth in Chapter VI shall not be applicable to probationary members.

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course, as mandated by the State of Illinois.

L. RELEASE OF LIABILITY

All Applicants shall execute and deliver to the Board a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the Village of Carol Stream on a form to be prescribed by the Board.

M. RECORDS

The Fire and Police Commission will maintain records of all Applicants within the Employee Relations Department. The files will be kept in a secure area. Access to the files is restricted to those persons legally entitled to view the records. These records will be maintained indefinitely.

Companies contracted to administer tests will maintain all testing materials and answer templates in a secure area at their facility.

A report of the results of the medical, polygraph and psychological examinations will be kept within the file records of the Applicant within the Employee Relations Department. The examination provider will keep a detailed record of these exams.

CHAPTER IV -- PROMOTIONAL EXAMINATIONS

Section 1. GENERAL

The Board shall provide for promotion to Sergeant positions in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All elements used to evaluate candidates for promotion to Sergeant are job related and nondiscriminatory. The Board shall post the announcement of the upcoming promotional examination and the Chief of Police shall ensure that all eligible applicants are notified. An outside agency will be hired to implement the exams. The Chief of Police shall act as the liaison and provide input and assistance. The Chief of Police and other administrative staff will review and recommend questions and scenarios throughout the testing process. After each examination conducted by an outside agency, applicants will have a forum to contest answers and to challenge all aspects of the process. Any appeal must be done in writing to the Chief of Police, who will then forward the appeal to the Board. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination, and all promotions shall be made from among the three candidates having the highest rating. Eligibility lists will be in effect for a three-year period, ending with the final posting of a new eligibility list. When there are less than three names on the promotional eligibility roster, a new list shall be established in accordance with these Rules. In order to be eligible for promotional examinations, the officer must have completed the probationary period of the lower rank. An applicant that fails the examination, or if the list expires before the applicant is promoted, the applicant is eligible to participate in the next promotional examination. The method of examination and the rules governing promotion are the same as provided for applicants for original appointment except as follows:

Section 2. COMPONENTS & MINIMUM GRADE

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

	<u>Weight</u>
Written Examination	25%
Assessment Center	25%
Oral Interview	20%
Merit and Efficiency	10%
Chief/Command Points	15%

Seniority	<u>5%</u>
Maximum Grade	100%

Written Examination: Only applicants who have met the eligibility requirements shall be permitted to participate in the written examination. The material used in the examination shall, in the Board's determination, test the capacity of the applicant to discharge the duties of the position tested.

Assessment Center: The assessment center process is a review of each candidate by such persons as the Board of Fire and Police may appoint as assessors. In general, this uses exercises that are based on the requirements of the position. There shall be a cumulative score given following the end of the process.

Oral Interview: All Board members are expected to participate in the oral interview. In no event shall less than two (2) Board members conduct the oral interview. Questions shall be asked of the applicant that will enable the Board members to properly evaluate and grade the applicant on general suitability for the position.

Merit and Efficiency: The merit and efficiency rating shall include an average score of each candidate's past three (3) annual performance evaluation scores.

Chief/Command Points: The Chief/Command rating shall include a review of each candidate's propensity toward a supervisory role within the department. The Police Chief, Deputy Chiefs and Commanders will individually review each candidate on criteria such as leadership, judgment, commitment, attitude and communication. The Chief's evaluation shall account for 5 of the overall points. Deputy Chiefs and Commanders evaluations shall account for a total of 10 points.

Seniority: Applicants for promotion shall be awarded credit for seniority as of the date of the written examination for the purposes of the promotional process only. Candidates shall receive one-half (1/2) point per year of service, up to a maximum of 5 points (10 years) for each full year the candidate has served as a sworn police officer for the Village of Carol Stream.

A minimum score of 70, prior to application of veteran's points, if applicable, is required to be placed on the eligibility list.

Veteran's credit shall be applied as prescribed by Statute (Chapter 65, 5/10-2.1-11).

Section 3. CONSOLIDATION OF LISTS

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

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

Section 4. SPECIAL EXAMINATIONS FOR THE RANK OF SERGEANT

Upon notice from the Village Manager that a Sergeant vacancy exists, the Board shall select the individual to be promoted in the manner specified in this chapter.

In the event that less than three eligible members of the Carol Stream Police Department set forth above in Paragraph A sign up, take & pass the promotional examination, then within six (6) months of said promotional examination the Board may schedule a promotional examination for that rank which will be open to persons who are not members of the Carol Stream Police Department who possess, at a minimum, the experience with another public body that a member of the Carol Stream Police Department would be required to possess in order to take the promotional examination. For example, a person qualified to take a sergeant's examination must possess prior experience as a patrol officer or an equivalent position in the police department of a public body.

Such persons must have successfully completed thirty-six (36) months of service with said police department. In addition, said persons must have been employed in said position within three years of taking the promotional examination and if no longer working as a police officer, must have left police employment voluntarily and not while disciplinary charges were pending.

The procedures governing application for such persons shall be generally the same as those provided for applicants for original appointments as Village of Carol Stream Police Department patrol officers.

The method of examination, the rules governing promotion, and residency

requirements are the same as provided for applicants for original appointment except as follows:

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

	<u>Weight</u>
Written Examination	25%
Assessment Center	25%
Oral Interview	20%
Merit and Efficiency Rating	25%
Seniority	<u>5%</u>
Maximum Grade	100%

Written Examination: Only applicants who have met the eligibility requirements shall be permitted to participate in the written examination. The material used in the examination shall, in the Board's determination, test the capacity of the applicant to discharge the duties of the position tested.

Assessment Center: The assessment center process is a review of each candidate by such persons as the Board of Fire and Police may appoint as assessors. In general, this uses exercises that are based on the requirements of the position. There shall be a cumulative score given following the end of the process.

Oral Interview: All Board members are expected to participate in the oral interview. In no event shall less than two (2) Board members conduct the oral interview. Questions shall be asked of the applicant that will enable the Board members to properly evaluate and grade the applicant on general suitability for the position.

Merit and Efficiency: The merit and efficiency rating shall consist of an evaluation score mutually agreed upon by the Carol Stream Police Chief and upper command staff following a thorough background investigation. For the purposes of merit and efficiency points only, the Police Chief and upper command staff will review items including the past three (3) annual performance evaluations (if applicable), as well as interviews with at least three (3) supervisors/senior officers from the applicant's jurisdiction.

Seniority: Applicants for promotion shall be awarded credit for seniority as of the date of the written examination for the purposes of the promotional process only. Candidates shall receive one-half (1/2) point per year of service, up to a maximum

of 5 points (10 years) for each full year the candidate has served as a sworn police officer within the State of Illinois.

A minimum score of 70, prior to application of veteran's points, if applicable, is required to be placed on the eligibility list.

Veteran's credit shall be applied as prescribed by Statute (65 ILCS 5/10-2.1-11).

The Board shall fill the vacancy from among the three applicants having the highest rating and who have passed the examination. The examination shall otherwise be conducted in the same form as with regard to the selection process for promotion limited to members of the next lowest rank within the Police Department.

All appointments made from outside the Carol Stream Police Department shall be on probation for a period of 15 months and shall be further subject to the provisions of Chapter III, Section K of these rules.

Section 5. PROBATIONARY PERIOD

Every promotion shall be subject to a probationary period of fifteen (15) months. During the probationary period, the Chief may request the Board to rescind the promotion and restore the officer to the rank held prior to promotion for those who were members of the Carol Stream Police Department immediately prior to the promotion. No hearing is required to grant the Chief's request.

In the event that the person chosen to fill a vacancy as Sergeant is not a member of the Carol Stream Police Department immediately prior to employment, that person shall be subject to a probationary period of fifteen (15) months. Prior to the end of the probationary period, the Board shall seek the recommendation of the Chief of the Department regarding the efficiency of the probationer's performance. The Chief may, at any time, request that the Board discharge a probationer. The Board may also require the probationer to appear before it for an interview regarding the end of the probation period. The probationer may be discharged by the Board at any time during the fifteen (15) month probationary period with or without an appearance before the Board.

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

Section 1. RANK

The order of rank in the Police Department shall be as provided by Ordinance and municipal budget.

Section 2. OATH OF OFFICE

Before entering upon his/her duty, any person about to become a member of the Police Department shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

"I _____, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and the Ordinances of the Village of Carol Stream, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

(Signed) _____

Subscribed and sworn to me this ___ day of _____, 20___, and shall enter into such bond in such amount as prescribed by the Ordinances of the Village of Carol Stream, unless the Village of Carol Stream provides a blanket bond for all of its officers.

CHAPTER VI – DISCIPLINARY PROCEEDINGS; HEARING OF APPEALS, CHARGES, SUSPENSIONS AND DISCHARGES

Section 1. **GENERAL PROVISIONS & DEFINITIONS**

- (a) Hearings before the Board are not common law proceedings. The provisions of the "Illinois Code of Civil Procedure" do not apply to hearings before the Board.
- (b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- (c) At the time and place of hearing, both parties may be represented by counsel, if they so desire.

- (d) All proceedings before the Board during the conduct of the hearings shall be recorded by a reporter to be employed by the Board.
- (e) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest in which case the party making such a request shall pay all costs for the transcript and all additional costs for the reporter, if any.
- (f) All witnesses shall be sworn by the Chairman of the Board or his designee prior to testifying and the matter will be decided by the Board on evidence presented at the hearings.
- (g) The Board will first hear the witnesses substantiating the disciplinary action taken against the grievant or the charges which have been made against the respondent. Thereafter, grievant or the respondent may present and examine those witnesses whom he/she desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.
- (h) All hearings are subject to the Open Meetings Act.
- (i) No rehearing, reconsideration, modification, vacation or alteration of a decision of the Board shall be permitted.
- (j) “Cause” is some substantial shortcoming which renders continuance in employment detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying the position. In any case with respect to which “cause” is the standard for the imposition of discipline (i.e., in all cases not involving appeals of disciplinary action arising under the CBA), the right to determine what constitutes cause is in the Boards discretion.
- (k) “Just cause” is the standard for upholding discipline to be applied by the Board in cases of appeals of disciplinary action arising under the CBA. “Just cause” is a standard that derives from labor arbitration cases and refers generally to the guidelines and criteria set forth by Arbitrator Carroll R. Daugherty in Enterprise Wire Co. and Enterprise Independent Union, 46 LA 359 (1966), or, as may be later established by statutory or common law authority.

- (l) The phrase “preponderance of the evidence” is defined as the greater weight of the evidence and is more convincing as to its truth when weighed against the evidence in opposition thereto.

Section 2. HEARING PROCEDURE: CASES NOT ARISING UNDER THE CBA

(a) Complaints

In all cases, five (5) copies of the complaint shall be filed with the Secretary of the Board, setting forth a plain and concise statement of the facts. A copy of the complaint shall also be served upon the respondent and proof of service filed with the Secretary.

(b) Notification of Hearing

Upon the filing of the complaint, as provided above, the Secretary of the Board shall notify both the complainant and respondent either by certified mail (return receipt requested) or by personal service of the time and place of the hearing of the charges. If an Order of Suspension is entered by the Board, the respondent, the complainant, the Chief of the Department, the Treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension, and be served either in person or by registered or certified mail (return receipt requested) with a copy of such Order of Suspension. The first hearing shall take place within thirty (30) days of filing of the complaint, unless waived in writing by the respondent.

(c) Continuances

The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board. Except under extraordinary circumstances, the hearing shall not be continued at the request of any of the parties to a proceeding or their attorneys, unless received in writing at the Board's offices at least three days before the scheduled hearing date.

(d) Stipulations

Parties may, on their own behalf, or by counsel, stipulate and agree in writing, or on the record. The fact(s) so stipulated shall be considered as evidence in the proceeding, provided that the Board, after giving notice to the parties, may require the presentation of evidence to substantiate the matters so stipulated.

(e) Sufficiency of Charges – Objections to

Motions or objections to the sufficiency of written charges must be filed or made prior to or at the bearing before the Board.

Section 3. HEARING PROCEDURE: APPEALS FROM GRIEVANCES UNDER THE CBA

(a) Notice of Appeal

In cases arising under the CBA, the Board's jurisdiction to hear and decide grievances arising out of the imposition of discipline of officers is invoked by the filing of a notice of appeal to the Board within the time provided by Article XVI, Section D and Article XVIII, Section E, of the CBA or such other applicable provision of a CBA.

(b) Notification of Hearing

Upon the filing of the notice of appeal, as provided above, the Secretary of the Board shall notify both the Village Manager and the Grievant either by registered or certified mail (return receipt requested) or by personal service of the fact and date of the filing of the notice of appeal, together with a proposed date or dates for the conduct of the appeal hearing. The date for the hearing shall then be established by mutual agreement of the Board, the Village (or its counsel), and the grievant and/or his Union representative and/or counsel.

(c) Continuances and stipulations shall be entertained in accordance with Section 2, subsections c and d above.

Section 4 SUBPOENAS

(a) Either the complainant or the respondent (or in the case of an appeal of a disciplinary action arising under the CBA, the grievant or the Village) may, at any time make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or to produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person of the age of twenty-one (21) years and upwards designated by the party requesting the subpoenas. Application for subpoenas should

contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce.

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

Section 5. SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated, or mailed by the United States mail in an envelope properly addressed, with postage prepaid, at the party's last known residence. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party

Section 6. FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board of Fire and Police Commissioners at the Village Hall, Carol Stream, Illinois 60188. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received at the Board's office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

Section 7. FORMS OF PAPER

- (a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- (b) If typewritten, the lines shall be double-spaced except that long quotations may be single-spaced and indented.
- (c) All papers shall not be larger than 8½ inches wide by 11 inches long and shall have inside margins of not less than one inch.
- (d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof.
- (e) If papers are filed by an attorney, his/her name and address shall appear thereon.

Section 8. 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 day is Saturday, Sunday, or is a holiday as defined or fixed in any Statute now or hereafter in force and in the State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

Section 9. SUSPENSION IN CASES NOT ARISING UNDER THE CBA

- (a) The Board may suspend any member of the Police Department who is not covered by the CBA and against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- (b) The Chief of the Police Department shall have the right to suspend any officer under his/her command who is not covered by the CBA for a period of not to exceed five (5) days, provided no charges for the same occurrence have been filed and are pending before the Board, and the Chief shall notify the Board in writing within twenty-four (24) hours of the time of such suspension. Any Police Officer so suspended may appeal to the Board for a review of the suspension within five (5) calendar days after being notified of such suspension by filing notice of such appeal in writing with the Secretary of the Board. A hearing shall be had upon such appeal, and due notice given to the officer so suspended in the same manner as if charges were originally filed before the Board.
- (c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his/her pay for the period involved, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him/her depending on the evidence presented.

Section 10. SUSPENSIONS IN CASES ARISING UNDER THE CBA

In cases arising under the CBA, the authority of the Chief of the Police Department to suspend officers under his command shall be as provided in Article XVI, Section B of the CBA.

Section 11. DISCHARGE OR SUSPENSION AFTER HEARING: CASES NOT ARISING UNDER THE CBA

- (a) Discharge from office, or suspension from service in the Police Department in cases not arising under the CBA shall be in compliance with Statute.
- (b) The Board shall, within a reasonable time after the hearing is completed, enter its finding on the records of the Board.

Section 12. DATE OF HEARING

In cases not arising under the CBA, the time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. In cases arising under the CBA, the time for hearing of the appeal shall be established by mutual agreement of the Village, the grievant and/or Union, and the Board. Continuances may be granted from time to time upon motion of any part of the proceeding by order of the Board, in accordance with Section 2(c) of this Chapter VI. Where all parties and members of the Board agree, a continuance may be granted to the parties without a need for a formal meeting of the Board to act upon the granting of such a continuance.

Section 13. FINDING AND ORDER: CASES NOT ARISING UNDER THE CBA

In cases not arising under the CBA, if any member of the Police Department shall be found guilty of the charges preferred against him/her after a hearing by the Board, he/she may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay.

Section 14. VIOLATION OF RULES

All members of the Police Department shall be subject to the Rules and Regulations of the department, and the Rules and Regulations of the Board, and a violation of such Rules or Regulations shall be cause for the filing of charges before the Board and/or discipline imposed by authority of the Chief of Police.

Section 15. VIOLATION OF LAW

Any violation of the laws of the Village of Carol Stream, Illinois, or State or Federal law, by any member of the Police Department of the Village of Carol Stream shall be cause for the filing of charges against said officer and/or discipline imposed by authority of the Chief of Police.

Section 16. FINDING AND DECISION: CASES NOT ARISING UNDER THE CBA

In cases not arising under the CBA, the finding and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, the notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith.

Section 17. FINDING AND DECISION: CASES ARISING UNDER THE CBA

In cases arising under the CBA, the Board shall issue a written opinion containing findings of fact and its decision as to whether the discipline imposed by the Chief of Police was or was not for just cause. Such written opinion shall be issued within thirty (30) calendar days following the close of the hearing or the submission of briefs by the parties, whichever is later. If the Board should find that the discipline was for just cause, it shall deny the grievance and sustain the disciplinary action imposed by the Chief of Police. If the Board should find that the discipline imposed by the Chief of Police was not for just cause, it shall have the authority to order reinstatement of a discharged officer or revocation of the suspension of a suspended officer. Such reinstatement or revocation may be with or without backpay, in the informed judgment of the Board in the implementation of the concept of just cause.

CHAPTER VII -- ILLINOIS POLICE TRAINING ACT

Section 1. PROBATIONARY TRAINING

By reason of the fact that the Village of Carol Stream has adopted the provisions of the Illinois Police Training Act, every probationary officer appointed by this Board shall take and complete an approved training course within a period of six (6) months of the date of his/her initial employment or such other date as is approved by Statute and the Board, and shall be certified by the Illinois Governmental Law Enforcement Officers Training Board that he/she has successfully completed said course.

Section 2. BOARD DIRECTION OF TRAINING

Said course shall be taken in an approved school designated by the Board and on such dates as the Board shall designate.

Section 3. EFFECT OF NON-PASSAGE OF TRAINING

Failure of said probationary Police Officer to take said course at such school and at

such times as designated by the Board, or failure to pass such course, shall result in immediate discharge of such probationary Police Officer.

CHAPTER VIII -- GENERAL

Section 1. SAVINGS PROVISION

The sections, paragraphs, sentences, clauses and phrases of these Rules are severable, and if any phrase, clause, sentence, paragraph or section of these Rules shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these rules.