

# ELBURN & COUNTRYSIDE FIRE PROTECTION DISTRICT RULES OF THE BOARD OF FIRE COMMISSIONERS

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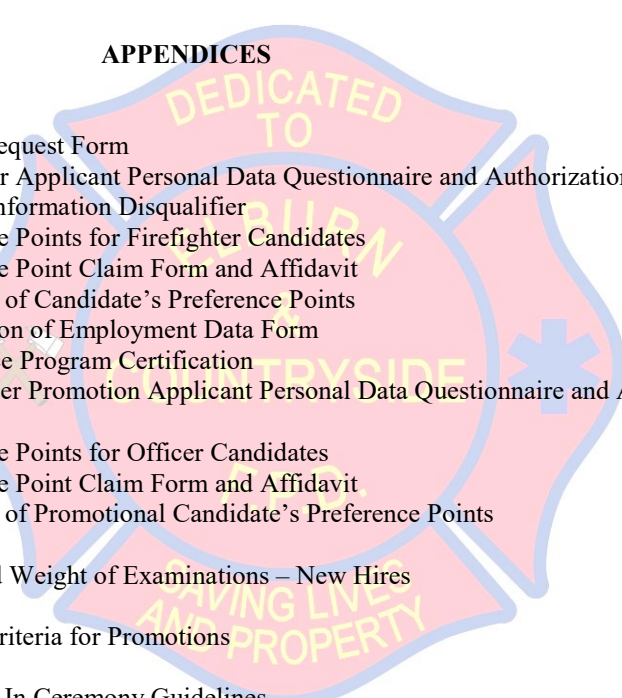
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## **CHAPTER 1 - ADMINISTRATION**

### **1.01 Source of Authority/Conflict with Collective Bargaining Agreement**

These rules are established by the Board of Fire Commissioners (the “Commission”) of the Elburn and Countryside Fire Protection District (the “District”) pursuant to power and authority derived from the Fire Protection District Act (70 ILCS 705/16.01 *et seq.*) and the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1 *et seq.*).

In the event of any conflict between Board policy and the terms of a collective bargaining agreement covering District employees, the two shall be read together and deemed supplementary to each other wherever possible, but the collective bargaining agreement’s provisions shall prevail if there is a direct conflict and the specific policy and contract provisions cannot be reconciled together.

### **1.02 Appointment of Board Members and Terms of Office**

The Commission shall be comprised of three (3) members. The Commission shall be appointed by the Board of Trustees of the Fire Protection District (the “Trustees”). Commission members shall serve three (3)-year terms which shall expire on the first Monday in June of the third year. Each Commissioner shall serve until his or her successor is appointed and has qualified for the position. (70 ILCS 705/16.01, 16.02, and 16.03)

### **1.03 Officers of the Board of Fire Commissioners**

The Commission shall annually elect a Chairperson and a Secretary during the first meeting each fiscal year. The Chairperson shall be the presiding officer at all meetings. The Secretary shall assist the Commission by preparing all correspondence, keeping records, assisting in the testing process, and performing other duties as assigned by the Commission. The Secretary shall keep the minutes of all meetings of the Commission in a permanent record book and shall be the custodian of all the forms, papers, books, records, and completed examinations of the Commission, and shall perform all other duties the Commission prescribes. (70 ILCS 705/16.02)

### **1.04 Duties of the Board of Fire Commissioners**

The scope of duties of the Commission shall generally include:

- A. Establishing policies for recruiting, testing, selection, and promotion for all members covered under its authority.
- B. The Commission shall have such other powers and duties as are given it by the statutes of the State of Illinois.

### **1.05 Meetings**

#### **A. Regular Meetings**

Regular meetings of the Commission shall be held quarterly or as determined necessary by the members of the Commission. At the beginning of each calendar year, the Commission shall prepare and make available a schedule of all its regular meetings, listing the times and places of such meetings. Meeting shall be held and notice of the meetings shall be given in accordance with the Illinois Open Meetings Act. There must be a quorum of the Commission present to hold a meeting. One (1) Commissioner may participate in a regular meeting from a remote location as further provided in this Chapter. (5 ILCS 120/1 *et seq.*)

#### **B. Special Meetings**

Special meetings may be called by any Commissioner with the notice thereof to be posted forty-eight (48) hours prior to convening by filing a notice in writing with the Secretary of the Commission and signed by the Chairperson of the Commission of any Commissioner thereof. This notice shall contain an agenda for the meeting and shall set forth the time and place of such special meeting. No business not on the agenda shall be considered at a special meeting. There must be a quorum of the Commission present to hold a

meeting. One (1) Commissioner may participate in a special meeting of the Commission from a remote location as further provided in this Chapter.

C. **Closed Sessions**

During any regular or special meeting, a closed session may be held for any purpose permitted by law as set forth in the Open Meetings Act. Two (2) Commissioners shall be physically present and remain at a properly convened meeting at the same location to enter into and conduct a closed session meeting. One (1) Commissioner may participate from a remote location as further provided in this Chapter. Closed sessions may be limited to Commissioners and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the Commissioners on said motion, and keep minutes of the closed session. The motion to go into closed session shall set forth the specific exception pursuant to which the closed session will be held. A verbatim video or audio tape recording of each closed session shall be made and preserved for eighteen (18) months in accordance with the Open Meetings Act. The Commission shall semi-annually review the minutes of all closed sessions to determine whether the need for confidentiality still exists as to all or part of those minutes and whether the minutes or portions thereof may be made available for public inspection. (5 ILCS 120/2, 2a and 7).

D. **Quorum**

Two (2) members of the Commission physically present at a properly convened meeting at the same location shall constitute a quorum for the conduct of all business. All meetings shall only be held with a quorum of the Commission present.

E. **Order of Business**

The order of business at any meeting, except hearings and oral interviews of candidates, shall generally be:

- I. Call to Order
- II. Roll Call
- III. Public Comments
- IV. Approval of the Minutes
- V. Communications
- VI. Unfinished Business
- VII. New Business
- VIII. Closed Session for any Lawful Purpose
- IX. Adjournment

F. **Procedure**

Meetings of the Commission shall be conducted in an orderly manner.

G. **Addressing the Board of Fire Commissioners**

Except during the public comment portion of the regular Commission agenda, or as stated in this rule, no person other than the Fire Chief or his designee, or the Commission's attorney may address the Board of Fire Commissioners.

A portion of every regular Commission meeting shall be provided for public comment. The person wishing to speak shall submit a public participation slip or raise his or her hand in a signal to the Chair. The speaker must be designated and authorized to speak by the Chair.

Individuals wishing to address the Board of Fire Commissioners during public comment are required to abide by Resolution #2015-R-5; Resolution Approving Rules Regarding Public Comment.

The purpose of public participation is to allow the public the opportunity to make a statement to the Commission. The purpose of public participation is not to provoke a debate with the Board. Once an individual has spoken, that individual may not speak on the same issue again. Any limitation regarding addressing the Commission may be waived by a majority vote of the Board.

In the absence of any objection by a member of the Commission, the Fire Chief may authorize an employee of the District to address the Commission. Under special circumstances, the Chair may recognize employees or agents of the District on specific agenda items during the discussion of those items.

Employees wishing to address the Board of Fire Commissioners during public comment are required to abide by Resolution #2016-R-115: Resolution Adopting Policy Regarding Employee Speech when addressing the Board of Fire Commissioners.

#### H. **Meeting**

For purposes of this Chapter, a meeting is as defined, or as may be amended from time-to-time, in Section 1.02 of the Illinois Open Meetings Act (5 ILCS 120/1.02):

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

No meeting, as the term is herein defined, among and between the Commissioners shall occur except as otherwise herein provided, and in accordance with applicable State laws, and specifically the Open Meetings Act (5 ILCS 120/1 et seq.).

#### I. **Attendance**

Two (2) Commissioners must be physically present at the stated date, time and location to hold a regular, special or closed meeting. (5 ILCS 120/2.01).

With approval of the Commission as provided in this Section, a Commissioner may attend and participate in the Commission meeting as if physically present, so long as the video or audio teleconference medium permits interaction comprehensible to all Commissioners, and any public in attendance, as appropriate. (5 ILCS 120).

Commissioners attending by means other than physical presence are required to abide by Resolution #2011-R-104; A Resolution Allowing the Elburn & Countryside Fire Protection District's Board of Fire Commissioners Attendance At Meetings By Other Means.

The minutes of meetings shall record whether Commission members were physically present at the meeting, or participated by video or audio teleconference, if applicable.

#### 1.06 **Amendments**

Amendments to these rules of the Commission may be made at any meeting of the Board of Fire Commissioners. All amendments shall be printed immediately for distribution in accordance with Section 16.05 of the Fire Protection District Act. Notice of the place(s) where the printed rules may be obtained and of the date when rule amendments shall go into effect, not less than ten (10) days subsequent to the date of publication, shall be published in a manner prescribed by law. (70 ILCS 705/16.05)

#### 1.07 **Annual Report and Budget Request**

The Commission shall submit to the Board of Trustees of the District an annual report of its activities, and of the rules in force. In its annual report, the Commission may make suggestions to the Board of Trustees which it believes would result in greater efficiency or safety in the fire department. The Commission shall also submit an annual budget request to the Board of Trustees via the Fire Chief no later than 90 days to the end of the fiscal year or as may be requested by the Board of Trustees (see **Appendix A, Form 1**). (70 ILCS 705/16.14)

#### 1.08 **Action by the Commission; Resolutions**

The Commission is hereby authorized to memorialize its actions regarding the conduct of Commission business by resolution or motion recorded in Commission meeting minutes, and may modify or rescind these actions from time to time as the Commission deems necessary or appropriate, all such actions approved by a majority vote of the Commission. (70 ILCS 705/16.02)

## CHAPTER 2 – JOB

### **REQUIREMENTS, APPLICATIONS AND TESTING REQUIREMENTS FOR ORIGINAL APPOINTMENTS**

#### **2.01 General Information**

Applicants for examination must comply with the current prerequisite policies and the job descriptions adopted by the District's Board of Trustees. Standards for the testing and evaluation of applicants shall be established by the Board of Fire Commissioners based on an analysis of the essential functions of the position, and the tasks and traits necessary for successful performance in the position for which testing and evaluation shall be conducted. The testing process shall be practical in character and shall relate to those matters which fairly test the applicant's capacity to perform the essential functions of the job and shall be validated whenever possible.

#### **2.02 Application Fees**

The Commission may charge a fee to cover the costs of the application process and the costs of the examination. Notice of any fees assessed will be published as part of the notice of the examination. (70 ILCS 705/16.06b(c) and (d))

#### **2.03 Age Requirements**

Applicants must be at least twenty-one (21) years of age at the time of hire and under thirty-five (35) years of age on the last date of submission of applications for original appointment unless otherwise provided by state or federal law. Proof of date of birth may be required.

Such maximum age limitation shall not apply in the case of (1) any person previously employed as a full-time firefighter in a regularly constituted fire department of (i) any municipality or fire protection district located in Illinois, (ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, or (iii) a municipality whose obligations were taken over by a fire protection district, (2) any person who has served the fire district as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for the five (5) years immediately preceding the time that the district begins to use full-time firefighters to provide all or part of its fire protection service, or (3) any person who turned 35 while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, if separated from the military, and is currently under the age of 40.

Furthermore, to qualify for either of the exceptions to the age limitations set forth in this section, the applicant shall have been actively working as a firefighter within two (2) years of the date of his or her application to this District. Proof of date of birth may be required. (70 ILCS 705/16.06b *et seq.*; 65 ILCS 5/10-2.1-6 *et seq.*)

#### **2.04 Education and Certification Requirements**

The Board of Fire Commissioners shall announce any applicable education and certification requirements for entry-level positions at the beginning of the application process. Failure to obtain or thereafter maintain requisite certifications as established by the Board of Trustees and/or the Commission shall result in the removal of an applicant from the application process, removal from an eligibility list, result in termination if the individual is employed as a probationary employee, or constitute just cause for dismissal if the individual is employed as a non-probationary employee.

#### **2.05 Citizenship and Residency**

Applicants for examinations must be citizens of the United States or aliens admitted for permanent residence or lawfully admitted for temporary residence who produce evidence of intention to become citizens of the United States. Applicants selected for employment must meet the District's residency requirements.

#### **2.06 Application Forms**

Applicants for full-time positions with the District shall submit an application on forms approved by the Commission (see **Appendix A, Form 2**). Applicants must file their application with the Commission or its agent(s) and must comply with the requirements of the form in every respect.

Applicants shall furnish with their applications a copy of their birth certificate; a certified high school transcript or evidence of a G.E.D. equivalence diploma; any military service record and discharge papers, if applicable; valid driver's license; college transcripts, if applicable; and any other document necessary to meet District, state or federal requirements. All applicants shall execute and deliver to the Commission a signed release of all liability prior to participating in the application and examination process. The form for the release of all liability shall be approved by the Commission and is included in **Appendix A, Form 2** of these Rules.

All applicants shall execute and deliver to the Commission a form authorizing and empowering the Commission and its agents or other outside service company engaged by the Commission to conduct a background investigation of the applicant. Any false statement or omission of a material nature knowingly made by a person in an application or examination, or connivance in any false statement made in a certificate that may accompany such application, or complicity in any fraud touching the same shall be regarded as good cause for disqualification or exclusion from the examination process, and/or discharge from the District.

### **2.07 Additional Information**

Applicants may be required to provide additional information or documentation for clarification of their application provided that the applicants are otherwise qualified for the position sought. However, nothing in this section shall require the Commission to seek such additional documentation not properly provided by the applicants, and the failure to provide information or documents may be cause for refusing to further consider the applicants.

### **2.08 Retention of Records**

All application and examination records shall become the property of the Commission and shall be retained as required by law.

## **CHAPTER 3 – EXAMINATIONS FOR ORIGINAL APPOINTMENTS**

(The provisions of any applicable Collective Bargaining Agreement shall supersede the following provisions to the extent of any conflict as regards the parties to said Collective Bargaining Agreement.)

### **3.01 Notice of Examinations**

Notice of examination for original appointments shall be given by the Commission by publication at least two (2) weeks preceding the examination in one (1) or more newspapers published in the District or on the District's website, and shall include a statement of:

- A. the deadline by which all applications will be received;
- B. the time and place where such examinations will be held;
- C. fees to be charged to cover examination costs (if applicable);
- D. the general scope of the examination and the merit criteria for any subjective component set forth by the Commission including notice of criteria necessary for any available preference points; and
- E. the position(s) to be filled from the resulting certified eligibility lists. (70 ILCS 705/16.06b(d))
- F. At the time of application, applicants must meet the following criteria; certified Illinois Fire Fighter II (FFII) or Basic Operations Fire Fighter (BOF) and certified Emergency Medical Technician-Paramedic (EMT-P) or currently enrolled in a recognized training program. [Illinois State Emergency Medical Technician-Paramedic (EMT-P) certification required upon conditional offer of employment]
- G. Valid CPAT card with ladder certification – Issued no later than 18 months prior to application deadline.



The examinations may be postponed, however, by order of the Commission. When an examination is postponed, the Commission shall state the reason for such postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and the new date for examination.

### **3.02 Type of Examinations**

#### **A. Available Alternative Procedure for Original Appointments**

The Commission acknowledges the availability of an alternate procedure for the original appointment of firefighters utilizing a state-wide list of eligible candidates. However, at this time, the Commission, pursuant to the authority under the Fire Protection District Act (70 ILCS 705/16.06 *et seq.*) and the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-6.3 *et seq.*) declines to participate in the selection of candidates from that list and elects to follow the procedure outlined in this Chapter.

Nothing in these Rules shall be interpreted to foreclose the decision by the Commission at a future date to participate in the alternative procedure for original appointment of firefighters pursuant to the Fire Protection District Act, 70 ILCS 705/16.06c, or the Board of Fire and Police Commissioners Act, 65 ILCS 5/10-2.1-6.4. In the event such option is exercised, the Commission will give appropriate notice of the option exercised and the procedures that will govern the original appointment of firefighters if the statewide option is invoked.

#### **B. Original Appointment Testing by the Fire Commission**

The examination and qualifying standards for employment of firefighters shall be based on: mental aptitude, physical ability, preferences, moral character, and health. The mental aptitude (written examination), physical ability, subjective component based on merit criteria as determined by the Commission, and preference components shall determine the applicant's qualification for and placement on the final register of eligible candidates. No examination shall contain questions regarding the applicant's political or religious opinions or affiliations. (70 ILCS 705/16.06b(d))

### **3.03 Order and Weight of Examinations**

The Commission shall determine the order, weight, and criteria for evaluating all elements of the testing process prior to administering each examination. The current examination order and criteria are set forth in **Appendix B**. All grades shall be based upon weighing of criteria defined by the Commission. Such criteria shall be established before tests are administered. .

### **3.04 Orientation**

An orientation may be held for all applicants and, if held, shall be considered a mandatory part of the testing process. The Commission or its agents shall explain the testing process and provide information so that the applicants are oriented regarding the position for which they apply. Applicants will receive notice of the orientation session and must attend the session assigned unless prior arrangements are made with the Fire Chief or his designee to attend an alternate session. Failure to attend the session assigned or the prearranged alternate date will result in disqualification.

### **3.05 Written Examinations**

Written examinations shall be administered in order to measure specific job-related criteria. The test procedure will be determined by the Commission or its agent or designee. Written examinations shall be validated by the Commission and/or their contractor and shall comply with applicable state and federal laws. Written tests may be used to differentiate among candidates beyond the passing level when the tests can be shown to be predictive of job skills or performance as documented by a validation study. All written examinations shall be administered in a manner that ensures the security and accuracy of scores achieved and all papers shall become the property of the Commission. The Commission has established the minimum passing score of 70 % for the written examination. The grading of the written examination by the Commission and/or its designees or agents shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description. All candidates shall be ranked based on their scores on the written examination. This initial ranking may be used to determine eligibility to participate in subsequent portions of the examination process.

Any candidate failing to complete the written examination at the assigned date and time will be assigned a score of zero (0) for that component and disqualified from subsequent portions of the examination process.

### **3.06 Physical Ability Testing**

Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of a fire department. The Commission elects to utilize the Candidate Physical Ability Test (CPAT) with ladder certification for the purpose of testing physical fitness. Applicants must provide proof of a current (being not more than 18 months of the last date which applications are accepted) and valid CPAT card with ladder certification with their completed job application to qualify for placement on any list of eligible candidates. 70 ILCS 705/16.06b(f). Any costs associated with the CPAT with ladder certification will be at the expense of the applicants.

In the event any applicant who has been found eligible for appointment and whose name has been placed upon the final eligibility register has not been appointed to a firefighter position within one year after the date of his or her CPAT examination with ladder certification, the Commission may require proof of subsequent CPAT with ladder certification prior to his or her appointment. If the applicant does not provide proof of subsequent CPAT with ladder certification prior to the deadline of the conditional offer of employment, the applicant shall not be appointed. His or her name will be retained upon the register of eligible candidates and when next reached for certification and appointment that applicant may provide proof of subsequent CPAT with ladder certification. If at this time the candidate's again fails to provide proof of subsequent CPAT with ladder certification, the applicant shall not be appointed, and his or her name shall be removed from the Final Eligibility Register. 70 ILCS 705/16.06b(c).

### **3.07 Preliminary Eligibility Register**

The Commission may create a Preliminary Eligibility Register. A candidate is eligible to be placed on this Register based upon his or her passage of the written examination, by attaining a score that is at or above the minimum passing score established by the Board for all applicants participating in the written test. The Board may consider CPAT with ladder certification within 18 months prior to the creation of the Preliminary Eligibility Register. The Board may exercise its option to utilize a Preliminary Eligibility Register until after all applications have been accepted.

### **3.08 Subjective Component**

The Commission may conduct a subjective evaluation (oral interview) of candidates. The merit criteria for the subjective component shall be announced by the Commission in the public notice of the exam. There shall be no minimum passing score for this component. Scores will be calculated objectively and used to rank candidates for placement on the Initial Eligibility List.

For the subjective component, the Commission may examine or cause to be examined all or a portion of the candidates for positions in the District under its jurisdiction through an oral interview. Interviews shall be administered according to a structured pattern established by the Commission and shall measure criteria which the Commission shall designate prior to the interview.

If the Commission elects to conduct an oral interview of candidates, each Commission member shall independently grade candidates for positions using the established criteria for evaluating candidates. At the time of the oral interviews, the Commission will know only if the candidates are otherwise qualified for the position. Specific scores on the other tests will not be known to the Commission at the time of the oral interview. The Commission members will submit their individual score of each candidate on a one hundred percent (100%) point scale with one hundred percent (100%) being the highest score. The individual scores submitted by each Commission member will be calculated by the Commission or its designee, or may be forwarded to an outside organization responsible for the overall testing where an average score will be determined for each candidate for the oral interview. The average score achieved by each candidate on the oral interview will constitute the final score used by the Commissioner its agent to determine the rank order of the candidates.

Any candidate failing to complete the oral interview at the assigned date and time will be assigned a score of zero (0) for that component and disqualified from subsequent portions of the examination process.

### 3.09 **Initial Eligibility List**

Following proof of passage of the physical ability test and any necessary recalculation of total scores after all subjective components have been administered and scored, the Commission will prepare an “Initial Eligibility List.” The examination components for an Initial Eligibility List shall be graded on a 100-point scale. A cumulative weighted score of 70 must be obtained to be placed on the Initial Eligibility List. The candidates will be listed in order of excellence based on their score without the application of any available preference points. When more than one (1) applicant receives the same number of points, placement on the Initial Eligibility List shall be assigned by lottery. No more than 60 days after the written examination and subjective evaluation, the Commission shall post a dated copy of the Initial Eligibility List.

### 3.10 **Final Eligibility List**

#### A. **Generally**

In order to qualify for placement on the Final Eligibility List, an applicant’s total score on the written examination, before any applicable preference points or subjective points are applied, must be at or above the minimum passing score established by the Commission. The Commission reserves the right to prescribe the score to qualify for placement on the Final Eligibility List, but the score shall not be less than the minimum passing score established by the Board of the written examination. 70 ILCS 705/16.06b(g). Where more than one applicant receives the same number of points, placement on the Final Eligibility List shall be assigned by lottery. (70 ILCS 705/16.07 and 16.08; 65 ILCS 5/10-2.1-8 and 10-2.1-9) The Final Eligibility List shall remain valid for two (2) years after which it will expire, and the Commission will strike off all remaining names. (70 ILCS 705/16.06b(h); 65 ILCS 5/10-2.1-9)

#### B. **Preference Points**

Candidates shall receive information regarding preference points with the District’s application form. The Commission must provide for no fewer than 10, nor more than 30, preference points for applicants to apply for each test. The Commission reserves the right to establish the amount of preference points to be awarded for every category except preference points for veteran status. The Commission will state any available preference points in the remaining categories at the time notice of the examination is posted (see **Appendix A, Form 4**). If eligible for preference points, candidates shall make a claim in writing using the form included with the District’s application form (see **Appendix A, Form 5**), with proof thereof within ten (10) days after the date of the Initial Eligibility List or such claim shall be deemed waived. The Commission may prepare for its use a summary of a candidate’s preference points (see **Appendix A, Form 6**). The Commission reserves the right to verify and confirm claims for preference points, including for experience preference points (see **Appendix A, Form 7**). The Commission will prepare a “Final Eligibility List” which shall include approved preference points.

The Commission shall assign preference points as follows:

#### 1. **Veteran’s Preference Points**

Applicants who served in the United States military actively for at least one (1) year and who were honorably discharged or are now on inactive or reserve duty shall receive five (5) points. Proof of such service must include a copy of Military Form DD-214 (long form) as proof of active service, evidence of the honorable discharge, and a sworn affidavit by the applicant (see **Appendix A, Form 5**).

#### 2. **Educational Preference Points**

Any applicant who has successfully obtained an associate’s degree in the field of fire service or emergency medical services, or a bachelor’s degree from an accredited college or university may receive from zero (0) to five (5) preference, at the Commission’s discretion. The Commission reserves the right to award a greater number of preference points for job-related degrees than for non-job-related degrees.

#### 3. **Experience Preference Points**

All applicants employed by the Elburn & Countryside Fire Protection District who have been paid-on-call or part-time certified Firefighter II, certified Firefighter III, State of Illinois or nationally licensed EMT-B or

EMT-I, licensed paramedic, or any combination of those capacities may be awarded preference points for their experience.

All applicants participating in the Elburn Explorer Post 1357 who are or have been an active Explorer in good standing shall be awarded 1 point for 2 or more years of successful service up to a maximum of 1 point.

Applicants from outside the Elburn & Countryside Fire Protection District who were employed as full-time firefighters or firefighter-paramedics by a fire protection district or municipality for at least 2 years may be awarded up to the maximum available preference points for this category at the Board's discretion. No experience preference points will be awarded under this section to applicants for service with a private employer who had a contract for fire or ambulance service with a fire protection district or municipality. The Commission shall prorate the awarding of the points based on partial years of experience under this section.

Proof of such service must include submission of copies of applicable certificates and a sworn affidavit by the applicant (see **Appendix A, Form 5**). Note that proof of POC or full-time service may be verified by the District. Applicants may be awarded up to one half (1/2) point for each complete year of paid-on-call or part-time service, up to a total of zero (0) to five (5) preference points, at the Commission's discretion.

A candidate may not receive the full amount of experience preference points under this subsection if the amount of points awarded would place the candidate ahead of a veteran on the eligibility list. If more than one candidate receiving experience preference points is prevented from receiving all of their points due to not being allowed to pass a candidate with veteran preference points, the candidates shall be placed on the list below the candidate with veteran preference points in rank order based on the totals each would have received if all points under this subsection were to be awarded. Any remaining ties shall be determined by lot. (**Appendix A, Forms 4 and 5**)

4. **Residency Preference Points**

The Commission, at its discretion, may award from zero (0) to five (5) preference points to applicants whose principal residence is located within the District's jurisdiction.

5. **Apprentice Preference Points**

The Commission, at its discretion, may award from zero (0) to ten (10) preference points to applicants for Apprentice Preference Points. An applicant who has performed fire suppression service for a department as a firefighter apprentice in the Elburn & Countryside Fire Protection District (ECFPD) Assigned Part Time (APT) Program and otherwise meet the qualifications for original appointment as a firefighter specified in this Section are eligible to be awarded up to 10 preference points. To qualify for preference points, an applicant shall have completed a minimum of 600 hours of fire suppression work on a regular shift for the affected fire department over a 12-month period. The fire suppression work must be in accordance with Section 16.06 of Act, 70 ILCS 705, and the terms established by a Joint Apprenticeship Committee included in a collective bargaining agreement agreed between the employer and its certified bargaining agent. An eligible applicant must apply to the Joint Apprenticeship Committee for preference points under this item. The Joint Apprenticeship Committee shall evaluate the merit of the applicant's performance, determine the preference points to be awarded, and certify the amount of points awarded to the commissioners. The commissioners may add the certified preference points to the final grades achieved by the applicant on the other components of the examination. [70 ILCS 705/16.06b (h) (7.5)]

6. **Additional Preference Points**

The Commission reserves the right to award up to an additional five (5) preference points for unique categories based on an applicant's experience or background as identified by the Commission and announced with the notice of the examination [70 ILCS 705/16.06b (h) (7)]

C. **Expiration of List**

The Final Eligibility List shall remain valid for two (2) years after which it will expire and the Commission will strike off all remaining names. (70 ILCS 705/16.07, 16.08 and 16.10; 65 ILCS 5/10-2.1-8 and 10-2.1-9)

### **3.11 Additional Testing**

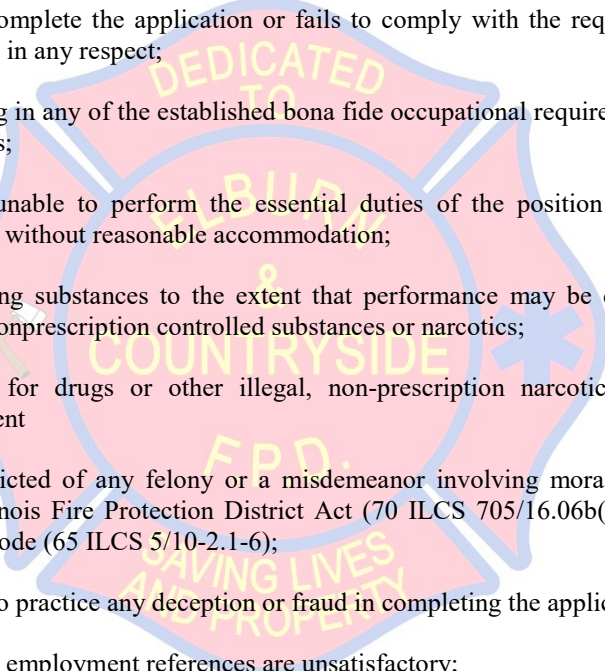
After creation of the final eligibility list and before it expires, the Commission has the authority to conduct additional examinations, including without limitation an oral examination and polygraph test. Scoring requirements of these additional examinations shall be prescribed by the Commission prior to conducting these examinations; however, no minimum passing score shall be established. Any oral examination shall be administered according to a structured pattern established by the Commission.

### **3.12 Release of Information**

Information regarding specific elements of the testing process for any candidate shall be deemed to be confidential and shall not be released to a third party not serving as an agent of the Commission in the examination process without written approval of the candidate.

### **3.13 Disqualification**

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

- 
- A. who fails to fully complete the application or fails to comply with the requirements of the application or examination process in any respect;
  - B. who is found lacking in any of the established bona fide occupational requirements of the position for which the candidate applies;
  - C. who is physically unable to perform the essential duties of the position to which the candidate seeks appointment with or without reasonable accommodation;
  - D. who uses intoxicating substances to the extent that performance may be diminished on the job, or who currently uses any nonprescription controlled substances or narcotics;
  - E. who tests positive for drugs or other illegal, non-prescription narcotics identified in the Collective Bargaining Agreement
  - F. who has been convicted of any felony or a misdemeanor involving moral turpitude pursuant to Section 16.06b(i) of the Illinois Fire Protection District Act (70 ILCS 705/16.06b(i)) and Section 10-2.1-6 of the Illinois Municipal Code (65 ILCS 5/10-2.1-6);
  - G. who has attempted to practice any deception or fraud in completing the application or examination process;
  - H. whose character and employment references are unsatisfactory;
  - I. who has been dismissed from any public service for good cause; or
  - J. who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violate or subverts any of these rules, or
  - K. for any lawful reason, including any other reason set forth in Section 16.06b(i) of the Illinois Fire Protection District Act (70 ILCS 705/16.06b(i)) and Section 10-2.1-6 of the Illinois Municipal Code (65 ILCS 5/10-2.1-6).

### **3.14 Notification of Candidates**

Each candidate completing the testing process will be notified within a reasonable time as to his or her ranking. In the event that the candidate achieves a numerical score that would eliminate the applicant from further participation in the testing process, that person shall receive notice stating that he/she has failed to score above the required score and will not be placed on the next eligibility list. Upon completion, a copy of the Final Eligibility List shall be posted at the District's administrative office.

### **3.15 Reconsideration**

Any applicant, candidate, or eligible candidate deemed to be disqualified shall be notified by the Commission and may request reconsideration of such disqualification within ten (10) days from notification by written request filed with the Secretary of the Commission. The request for reconsideration must set forth a basis for reconsideration, and the Commission may provide an opportunity to be heard to the extent as may be determined by the Commission and pursuant to whatever procedures the Commission may establish. The Commission shall reserve the right to amend any final rating of candidates as a result of reconsideration; however, any amendment shall not affect the position of any person appointed from the list prior to the amendment.

### **3.16 Change of Address/Contact Information Disqualifier**

Each applicant for appointment shall inform the Commission in writing of any change of address or telephone number. Failure to properly notify the Commission may be considered sufficient grounds to strike the name of the applicant from the Final Eligibility List. (**Appendix A, Form 3**)

## **CHAPTER 4 – INITIAL APPOINTMENT AND WAIVER OF APPOINTMENT**

### **4.01 Filling of Vacancies**

Whenever a vacancy exists in a position subject to the jurisdiction of the Commission, the Board of Trustees shall so notify the Commission. All original conditional offers of employment shall be made from the Final Eligibility List in the order in which the eligible candidates appear on the list, provided the candidates have satisfied all requirements established by the Commission. The Commission shall appoint the person with the highest ranking on the Final Eligibility List; however, if the Commission has reason to conclude that the highest ranked person fails to meet the minimum standards for the position or if the Commission believes an alternative candidate would better serve the needs of the department, then the Commission has the right to pass over the highest ranked individual. In this event, the Commission may appoint either (i) any person ranking in the top five percent (5%) of the final eligibility roster, or (ii) any person who is among the top five (5) highest ranked persons on the Final Eligibility List if the number of people ranking in the top five percent (5%) is less than five (5) individuals. 70 ILCS 705/16.06b(b).

Prior to but in anticipation of extending the conditional offer of employment the Commission may complete its initial hire background review including, but not limited to, criminal history, employment history, moral character, and oral examination. Once the Commission has extended the conditional offer of employment the Commission may complete its initial hire medical and psychological examinations. All of these initial hire background review checks shall be graded on a pass-fail basis. (70 ILCS 705/16.06b(h)).

### **4.02 Acceptance of Appointment**

An eligible candidate who has received a conditional offer of employment shall notify the Commission of his or her intent to accept the conditional offer of employment within five (5) business days of receipt of the offer of employment. A candidate who has been certified by the Commission to fill a vacancy may waive said appointment without losing his or her place on the eligibility list provided the candidate notifies the District of his or her waiver within five (5) business days of receiving a conditional offer of employment. The right to waive appointment shall exist only once for each eligible candidate. An eligible candidate who refuses a second offer of appointment or untimely requests a waiver shall be stricken from the eligibility list.

### **4.03 Background Investigation**

Prior to or after the time a candidate accepts a conditional offer of employment, the Board shall conduct an in-depth background investigation. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience, and other factors of background and life experience which shall be reasonably related to the requirements of the position. This portion of the application process will be graded on a pass/fail basis. (70 ILCS 705/16.06b(i))

### **4.04 Medical Examinations**

After satisfying all other requirements of a conditional offer of hire, eligible candidates for original appointment shall be required to submit to basic medical examinations by physicians selected by the District. These examinations may include psychological and comprehensive drug evaluations. The extent and scope of the basic medical examinations

shall be determined by the Commission and consistent with N FPA 1582 and shall be graded on a pass/fail basis. The Commission shall pay for the basic required medical examinations; however, if additional medical evaluations, testing, or treatment are required in order to determine the candidate's fitness for duty, the candidate shall be responsible for obtaining and paying for the additional medical evaluation, testing, or treatment. (70 ILCS 705/16.06)

#### **4.05 Fingerprints**

Prior to or at the time an eligible candidate receives a conditional offer of employment, he or she shall be required to be fingerprinted as directed by the District. (65 ILCS 5/10-2.1-6.1)

#### **4.06 Temporary Appointments to Entry-Level Positions**

The Commission may make temporary appointments of candidates to entry-level positions until regular appointments may be made under these Rules. The Commission shall exercise such authority only when the Board of Trustees has entered appropriate findings of the need to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the District. A temporary entry-level appointment shall not exceed a period of sixty (60) days. No person shall receive temporary appointment to the same position more than twice in any calendar year. (70 ILCS 705/16.12)

#### **4.07 Certificates of Appointment**

The sole authority to issue certification of original appointments shall be vested in the Board of Fire Commissioners and all certificates of appointment issued to any member of the fire department shall be signed by the Chairman and Secretary of the Commission. 70 ILCS 705/16.06b(b)

### **CHAPTER 5 – PROBATION**

#### **5.01 Probation Period**

Appointees to entry-level positions in the District under the authority of the Commission shall be on probation for one (1) year from the date of employment. Upon satisfactory completion of the probationary period, the appointment shall become permanent upon written notification from the Commission.

Appointees must become certified within the district's emergency medical system within sixty (60) days of initial appointment unless the Fire Chief issues an extension due to extenuating circumstances.

The probation period shall exclude periods of training, or injury or illness leaves, including duty related leave of more than 30 days in length. If an absence greater than thirty (30) days is granted by the District during a firefighter's probationary period, the probationary period shall automatically be extended by the length of the absence. The employee shall be notified of the extension of the probationary period.

#### **5.02 Discharge of a Firefighter during Probationary Period**

The Chief has the sole authority to terminate a probationary firefighter during the first twelve (12) months of employment. A probationary firefighter is an employee-at-will and may be suspended or terminated whenever the Chief determines that the employee's performance or conduct is unsatisfactory for any or no reason. The Chief shall notify the Commission of any such action. (65 ILCS 5/10-2.1-4; 70 ILCS 705/16.13b)

### **CHAPTER 6 – PROMOTIONS**

(The provisions of any applicable Collective Bargaining Agreement shall supersede the following provisions to the extent of any conflict as regards the parties to said Collective Bargaining Agreement.)

#### **6.01 Rank and Classification**

The District's order of ranks in the chain of command shall be as determined by the Board of Trustees. The Commission shall confer with the Trustees and their designees for the purpose of establishing and maintaining standards of examinations and promotions based upon such information as job descriptions and departmental regulations. The determination of whether a position is a rank classification rests solely with the Board of Trustees.

## **6.02 Promotional Lists**

Promotional lists of qualified eligible candidates shall be established as needed for the non-exempt ranks designated by the Board of Trustees.

## **6.03 Method of Promotion**

All promotions to ranks in the District under the jurisdiction of the Commission may be made on the basis of ascertained merit, subjective evaluation, seniority points, and written examination in full compliance with the Fire Department Promotion Act (50 ILCS 742/1 *et seq.*), as well as other applicable laws. All vacancies shall be filled by promotion. Applications for officer positions in the form of **Appendix A, Form 9** to these Rules shall be completed and submitted to the Commission prior to the deadline set by the Board of Fire Commissioners.

All examinations for promotions, where practicable, shall be competitive among the members of the next lower rank who meet any eligibility requirements set forth for the promoted position.

All promotions shall be awarded to the person with the highest ranking on the final adjusted promotional list for that rank, unless the Commission has reason to conclude that the highest ranked person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the final promotional list. Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotional list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotional list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

If there is no final adjusted promotional list in effect for the rank on the date a vacancy occurs, or if all persons on the final adjusted promotional list refuse the promotion, the Commission shall not make a permanent promotion until a new final adjusted promotional list has been prepared. In such cases, a successor list shall be prepared and distributed within 180 days after a vacancy. Temporary promotions may be made for up to 180 days in the absence of a promotional list. (50 ILCS 742/15 and 20; 70 ILCS 705/16.11)

## **6.04 Criteria for Determining Promotions**

The Commission shall identify the criteria to be used in the evaluation of all candidates prior to administering each promotional examination. Eligibility requirements as determined by Collective Bargaining Agreement. All promotional candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component (see **Appendix C**). Each component of the testing process shall be based on a 100-point scale, and following the application of the weighting process, the total score shall also be based on a 100-point scale. (50 ILCS 742/20 and 30)

## **6.05 Examination Process**

The examination process and testing procedures used shall be determined by the Commission prior to giving notice for the examination and shall be disseminated to all participants. In all cases, the compilation and posting of a seniority list shall take place first and shall be calculated as of the expiration date of the previous list. Ascertained merit and subjective evaluation, if any, will be done before the written examination. The written examination shall in all cases be administered and graded last. Monitoring of the portions of the promotional examination that are amenable to monitoring may take place in accordance with Section 25 of the Fire Department Promotion Act (50 ILCS 742/15, 25, 30, 35, and 40). A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the examination or discharged from the position to which he or she was appointed, as applicable, and otherwise subjected to disciplinary actions. 70 ILCS 70/16.06b(k).

## **6.06 Notice of Promotional Examinations**

Written notice of the time, date, and location of every promotional examination shall be posted by the Commissioners on the District's bulletin board for a minimum of ninety (90) days prior to any promotional examination. The Commission shall also give notice of every promotional examination by publication at least two (2) weeks preceding the examination, in one (1) or more newspapers published in the District or on the District's website. However, all members of the District for which the promotional examination is to be given may waive notice by publication in writing. The notice of examination shall include a statement of:

- A. the deadline by which all applications will be received;



- B. the time and place where such examinations will be held;
- C. the position to be filled from any resulting eligibility list;
- D. the applicable minimum aggregate passing score, if any; and
- E. a list of recommended reference materials and their availability.

Reading and study materials for current written examinations and the reading list for the last two (2) written examinations for each rank shall be made available and accessible at each fire station. (50 ILCS 742/15 and 35; 70 ILCS 705/16.09; and 65 ILCS 5/10-2.1-13)

**6.07 Promotional List**

After completion of the promotional testing process, the Commission will prepare an preliminary promotional list. Applicants who are eligible for and elect to use their military preference credit must make a claim for such credit in writing to the Commission within ten (10) days after the posting of the preliminary promotional list or such claims shall be deemed waived (see **Appendix A, Forms 10 and 11**). The Commission shall award veteran's preference points to those eligible veterans timely claiming the credit in accordance with Section 16.08a of the Fire Protection District Act; and Sections 10-2.1-10, 10-2.1-11 and 10-2.2-12 of the Illinois Municipal Code. No person shall receive preference for a promotional appointment after receiving one (1) promotion from a final promotional list on which he or she was allowed military preference points (see **Appendix A, Form 12**).

Once all claimed preference points have been awarded, the Commission shall certify a final adjusted promotional list. The final adjusted promotional list shall expire on a date set by the Board three (3) years from it's effective date. Any names remaining on the list shall be stricken from the list upon its expiration. (50 ILCS 742/20; 70 ILCS 705/16.08a; 65 ILCS 5/10-2.1-10, 10-2.1-11 and 10-2.1-12)

**6.08 Voluntary Reassignment**

Voluntary reassignment may be granted as per the collective bargaining agreement (CBA) or related side letters.

Any officer may petition the Chief for reassignment to a lower rank. Upon approval of the Chief, the officer will be reassigned to the lower rank, and simultaneously therewith the Board of Fire Commissioners will promote another employee to the position held by the officer requesting reassignment as long as the Trustees determine the position is open.

**6.09 Removal or Demotion**

The Chief may file charges pursuant to Chapter 9 of these Rules seeking the removal or demotion of an officer to a lower rank.

**6.10 Temporary Appointments to Promoted Ranks**

If there is no final adjusted promotional list in effect for the rank on the date a vacancy occurs, or if all persons on the final adjusted promotional list refuse the promotion, the Commission shall not make a permanent promotion until a new final adjusted promotional list has been prepared. In such cases, a successor list shall be prepared and distributed within 180 days after a vacancy. Temporary promotions may be made for up to 180 days in the absence of a final adjusted promotional list. (50 ILCS 742/15 and 20; 70 ILCS 705/16.11)

The Commission may make temporary appointments of members for promotional positions until regular appointments may be made under these Rules. The Commission shall exercise such authority only when the Board of Trustees has entered appropriate findings of the need to prevent a stoppage of public business, to meet extraordinary exigencies, or to prevent material impairment of the District. No person shall receive temporary appointment to the same position more than twice in any calendar year. Temporary promotions shall not exceed 180 days. (50 ILCS 742/5; 70 ILCS 705/16.12).

**CHAPTER 7 – ORDER OF RANK AND OATH OF OFFICE**

**7.01 Order of Rank**

The order of rank of the District shall be as provided by District ordinance.

**7.02 Oath of Office**

The Board of Fire Commissioners shall follow the Swearing In Ceremony Guidelines as defined Appendix D and/or Appendix E.

Before entering duty, any appointee or promotee of the District shall take the following oath before the Board of Fire Commissioners or Board of Trustees:

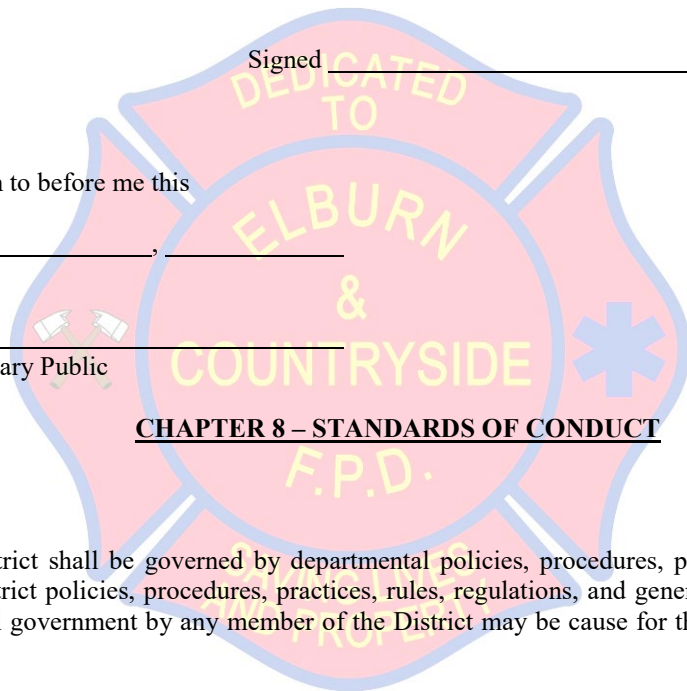
“I \_\_\_\_\_, do solemnly swear or affirm that I will support the Constitution and Laws of the United States, the Constitution and Laws of the State of Illinois, and the ordinances, rules and regulations of the Elburn and Countryside Fire Protection District, and that I will faithfully discharge the duties of the Office of \_\_\_\_\_ for the Elburn and Countryside Fire Protection District according to the best of my ability.”

Signed \_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public



**CHAPTER 8 – STANDARDS OF CONDUCT**

**8.01 Rules**

Personnel of the District shall be governed by departmental policies, procedures, practices, rules, and regulations. Any violation of District policies, procedures, practices, rules, regulations, and general orders or of the laws of any local, state, or federal government by any member of the District may be cause for the filing of charges against said member.

**CHAPTER 9 – REMOVAL, DISCHARGE AND SUSPENSION**

**9.0 Procedures**

The current collective bargaining agreement (CBA) does not recognize the Board of Fire Commissioners as having responsibilities in this area for officers who are in the bargaining unit. Complaints and/or resolutions for bargaining unit members will be subject to the collective bargaining agreement (CBA) or the applicable state statutes.

For officers below the rank of Fire Chief who are not covered by the bargaining unit, removal, discharge and suspension will be brought before the Board of Fire Commissioners. (50 ILCS 745/)