RULES AND REGULATIONS
OF THE BOARD OF
POLICE AND FIRE COMMISSIONERS
VILLAGE OF MARYVILLE, ILLINOIS

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RULES AND REGULATIONS OF THE
BOARD OF POLICE AND FIRE COMMISSIONERS
OF THE VILLAGE OF MARYVILLE, ILLINOIS

As adopted by the Board of Police and Fire Commissioners of the Village of Maryville, Illinois, effective February 12, 2015.

CHAPTER 1 ADMINISTRATION

SECTION 1 SOURCE OF AUTHORITY

The Board of Police and Fire Commissioners of the Village of Maryville, Illinois, derives its power and authority from an act of the General Assembly entitled, "Division 2.1 Board of Police and Fire Commissioners", Chapter 65 5/10-2-1 of the Illinois Compiled Statutes. Complied statutes at, as implemented by the President and Board of Trustees of the Village of Maryville on November 3, 2004.

SECTION 2 DEFINITIONS

The word "commission" and/or "board" wherever used shall be the Board of Police and Fire Commissioners of the Village of Maryville, Illinois. The word "officer" shall mean any person holding a permanent office in the Police or Fire Department of the Village of Maryville, Illinois. The masculine noun or pronoun includes the Feminine. The singular includes the plural, and the plural the singular. The word "Firefighter/Paramedic" shall mean only full time firefighters/paramedics appointed by the Village of Maryville.

SECTION 3 OFFICERS OF BOARD AND THEIR DUTIES

The board shall consist of three (3) members appointed by the President with the advice of and consent of Village Trustees. The terms of office shall be three (3) years and appointments may not be made within thirty (30) days from the date a President's term of office expires. Appointments are for staggered terms with one commissioner serving to the end of the current fiscal year, one commissioner serving to the end of the next ensuing fiscal year and the third commissioner serving until the end of the second next ensuing fiscal year. If at the expiration of a commissioner's term a successor is appointed. If no successor is appointed, the current member shall retain the position.

The Board shall annually, in May elect a Chairman and a Secretary. They shall hold office until the next yearly May meeting and 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 forms, papers, books, records and completed examinations of the Board.

SECTION 4 MEETINGS

Regular meetings shall be held in February, May, August, and November of each calendar year and as necessary. Notice shall be posted at the principle office of the Board and the location of where the meeting will be held.

A majority of the members of the Board shall constitute a quorum for the conduct of all business.

All meetings shall be open, notice therefore to be posted forty-eight (48) hours prior to convening, called by the filing of a written notice with the Secretary of the Board and signed either by the Chairman or any two (2) members thereof. The notice shall contain a complete agenda of the business to be submitted for the

consideration of the Board at such meetings, and shall set forth the time and place of such meetings, and no other business shall be considered at such meetings unless by unanimous consent of the Board.

During a meeting, a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and invited persons, as the Board may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of members on said motion and keep minutes of the closed sessions.

The parliamentary procedure prescribed in "Roberts Rules of Order" shall be followed as far as applicable.

Meetings shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, and Section 120/1-120/5.

The order of business at any meeting shall be:

1. Reading of the minutes
2. Communications
3. Unfinished business
4. New business
5. Adjournment

SECTION 5 RULES AND AMENDMENTS

The Board shall have the authority of making rules to accomplish their purpose and for original appointment, promotion, for the conduct of discipline hearings, discipline and/or removal of commissioned police officer or fire fighter/paramedic with the exception of the Police and Fire Chiefs.

The rules shall apply only to conducting examinations for original appointments, promotion, and appeal of suspensions and to the conduct of hearings on charges brought against an officer of the police or fire department.

No such rule shall be made by the Board to govern the operation of the police or fire department unless the Village council authorizes such authority.

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of neutral circulation in the Village of Maryville, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective.

SECTION 6 ANNUAL REPORT AND BUDGET REQUEST

The Board shall submit an annual report of its activities and a budget request for the ensuing year.

CHAPTER 2 APPLICATION PROCESS

SECTION 1 RESIDENCE

Residency requirements in effect at the time an individual enters employment with the police or fire department will be in accordance to the Village of Maryville ordinance or any applicable collective bargaining agreement.

SECTION 2 APPLICATION BLANKS

Application for the position of probationary police officer or firefighter/paramedic shall be filed upon blank forms furnished by the Board of Police and Fire Commissioners or its designated agent and applicants must comply with the requirements of the form in every respect. The completed application must be filed with the Board of Police and Fire Commissioners, or its designated agent, at least seven (7) working days prior to the orientation date. All applications must be hand written by the applicant.

The applicant must be a citizen of the United States of America. The applicant shall furnish with the application a copy of his/her birth certificate, high school diploma or transcript, military service record and discharge papers and if applicable certified educational transcripts shall be mailed directly from the college or university to the Board. No candidate may be asked about political or religious beliefs.

A false statement made by a person in an application for examination, any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as just cause for exclusion from further examination processes.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rest upon the applicant.

SECTION 3 RELEASE OF LIABILITY

All applicants shall execute and deliver to the Board, or designated representative, a release of all liability as the result of taking a "Physical Agility/Aptitude Test" in favor of the Village of Maryville and/or its representative on a form to be prescribed by the Board.

SECTION 4 AGE REQUIREMENTS

Applicants for police officers who are twenty (20) years of age and successfully completed two (2) years of law enforcement studies at an accredited college or university and have not reached their 35th birthday shall be eligible to take the initial examination for probationary police officer. Any applicant who is twenty (20) years of age and appointed to active duty shall not have the power of arrest, nor be permitted to carry firearms, until he reaches twenty-one (21) years of age. Applicants who are twenty-one (21) years of age, or older, may also take the initial examination if they possess a high school diploma or an equivalent high school education certificate and be currently certified as having successfully completed the Minimum Standards Basic Law Enforcement Training Course as provided in the Illinois Police Training Act. Proof of birth date is required at time of application.

Applicants for firefighter / paramedic who are at least twenty (20) years of age, possess a high school diploma or an equivalent high school education certificate and hold a certified paramedic license from the State of Illinois and have not reached their 35th birthday shall be eligible to take the initial examination for probationary firefighter / paramedic.

SECTION 5 NOTICE OF ACCEPTANCE

The Secretary will notify all applicants whose applications have been accepted by the Board to be present for orientation and subsequent examinations.

SECTION 6 DISQUALIFICATION

The Board may refuse to examine an applicant or, after examination, to certify as eligible who:

A. Is found lacking in any of the established preliminary requirements for the services for which he applies.

B. Is physically unable to perform the job related duties of the position to which he seeks appointment.
C. May be found disqualified in personal qualifications or health.
D. Is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally in the past year.
E. Has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in the Illinois Compiled Statutes, 65 ILCS 5/10-2.1-6.
F. Has been dismissed from any public service for good cause.
G. Has attempted to practice any deception or fraud in the written application or any accompanying certificate.
H. Whose character and employment references are in the determination of the Board of Police and Fire Commissioners to be unsatisfactory?
I. Does not possess or is unable to obtain a valid Illinois drivers license.
J. Has an unacceptable driving history and/or is uninsurable by the village insurance carrier.

Applicants deemed disqualified shall be notified in writing by the Board of Police and Fire Commissioners or its designated agent.

CHAPTER 3 ORIGINAL APPOINTMENT EXAMINATIONS

SECTION 1 NOTICE OF EXAMINATIONS

Examinations shall be held on the dates fixed by the Board and advertised in at least one (1) local newspaper in accordance with the Illinois Compiled Statutes. Examinations may be postponed by order of the Board; however, the order shall state the reason for such postponement and shall designate a new date for said examination and have this new date fixed for said examination. Notice shall also be posted on the Village's website. The Board shall call the examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the minutes of the Board and shall include a statement of a) the time and place where such examinations will be held; b) where applications may be obtained and the return deadline, c) position to be filled.

SECTION 2 EXAMINATIONS

The examinations shall be practical in character and relate to those matters which fairly test the capacity of the person examined to discharge the duties of the positions to which they seek appointment.

The Board shall conduct examinations to establish an eligibility register. A request for such examinations shall be entered in the minutes of the Board and shall include a statement of the time and place where such examinations will be held, and the position to be filled.

Applications will be received for at least a two (2) week period, which shall terminate at least seven (7) working days prior to the orientation date.

SECTION 3 TYPE OF EXAMINATIONS

The selection process consists of orientation, physical aptitude, written examination, and oral interview(s) structured to test the capacity of the applicant in discharging the duties of the position to which he seeks appointment.

A. ORIENTATION

In addition to an explanation of the selection process, a general overview of the duties and responsibilities of the department and information as to the type of written examination employed by the orientation date upon receiving an application blank. It is a requirement that all applicants attend the original appointment orientation program.

B. WRITTEN EXAMINATIONS

Once applicants have completed the orientation program. They will be required to participate in the written examination. The material used in this examination shall adequately reflect the candidate's aptitude to assimilate training as a police officer or a firefighter/paramedic. For police, the minimum cut off score is 70%.
For firefighter/paramedic, the minimum passing score shall be as determined by the Board of Police and Fire Commissioners.

All written examinations are the property of the Board of Police and Fire Commissioners and scoring by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration.

C. PHYSICAL ABILITY EXAMINATION

Applicants who have successfully passed the written examination shall submit to a job related physical aptitude examination. For firefighters/paramedics, an eligible candidate must present evidence of successful completion and certification by any entity, organization, or agency having adopted the Candidate Physical Ability Test (CPAT) standards. The candidate must present evidence of certification within the past 12 months. Candidates are responsible for maintaining CPAT certification and for all costs and fees incurred.

D. ORAL INTERVIEW

Candidates who pass all portions of the exam will then participate in an Oral Interview. All Commissioners shall participate in the Oral Interview except wherein one Commissioner is absent due to illness or when a matter of an emergency nature precludes, his attendance. In no event shall less than a majority of the Commissioners conduct the Oral Interview. Questions shall be asked of Candidates on speech alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Interview the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Interview will be notified and eliminated from all further consideration. The Board also reserves the right to conduct subsequent Oral Interviews at its discretion.

SECTION 4 INITIAL ELIGIBILITY REGISTER

After the orientation, physical aptitude and written examinations and oral exam have been completed, the Board will prepare an initial eligibility register of the candidates who have successfully completed those portions of the employment process.

The initial eligibility register must be posted within 60 days after each examination.
The candidates are placed on the initial eligibility register in descending order based on the total numbers of cumulative points received throughout the testing process. A dated copy of the initial eligibility register shall be made available to each person appearing thereon.

This register is subject to change with the addition of five (5) maximum veteran or educational preference points as prescribed in Illinois Complied Statutes 65ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9.

Preference Point Breakdown

• Veteran's Points	5
• Illinois Police Training Act (Police Cadet) Points	5
• Bachelor's Degree Points	5
• Associate Degree in Criminal Justice Points	2.5
• Full-Time Officer for the Village of Maryville .5 Point per year — Maximum 10 years	5

Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the initial eligibility register or such claim shall be deemed waived. Veteran or educational preference rights shall be explained fully at the orientation session. The preference points awarded under this section shall not be cumulative.

SECTION 5 PRIMARY/PRELIMINARY ELIGIBILITY REGISTER

The Commissioners will prepare a primary eligibility register, which shall include:

A completed application
Orientation meeting
Written and Physical Aptitude examination
An Oral Interview
Veteran or educational preference points

A dated copy of the primary eligibility register shall be made available to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence.

SECTION 6 FINAL PHASE

The Board of Police and Fire Commissioners shall convene a panel of not less than two (2) voting commissioners. Candidates, in sequential order, from the primary eligibility list have expressed a continued interest in employment with the Maryville Fire or Police Departments, will be interviewed. The number of candidates to be interviewed will be determined by the Board. The Board also reserves the right to conduct subsequent Oral Interviews at its discretion.

Questions addressed by the candidate will enable the oral review panel to evaluate and assess the candidate on appearance, preparation, confidence, decisiveness and ability to deal with stress and general overall characteristics.

On completion of each oral exam the panel members will discuss with the candidates the following examinations:

1. An ongoing background investigation conducted by person (s) assigned by the Board, and
2. Polygraph examination, commonly known as a lie detector test administered by a licensed operator, and
3. An in-depth psychological examination, and
4. A medical examination to determine physical fitness for duty shall be conducted or directed by a licensed physician appointed by the Board of Police and Fire Commissioners. The examination will include, but is not limited to:

   A. Test of applicants cardiovascular system, vision and hearing, and
   B. Test for the presence of communicable diseases, and
   C. Test to screen for the presence of drugs and/or narcotics.

The Board reserves the right to accept applications and other initial entrance examinations for probationary Police Officer and Firefighter/paramedic prior to the expiration of the two (2) years register. Candidates on the current register shall be notified and presented, the following option:

1. To merge candidates original final score or
2. Repeat the examinations
   i. Written Examination
   ii. Job Related Physical Aptitude
   iii. Oral Interview

Candidates who choose to merge their present final score into the new register shall have their names removed at the expiration date of the original register.

SECTION 7 SCORING EXAMINATIONS

Failure to achieve the minimum passing score in any examination will disqualify the applicant from any further participation. A majority score shall prevail. Candidates who fail to achieve a passing score will be notified and eliminated from all further consideration. Examinations will be held in the following sequence:

Examinations	Percent of Total Grade	Minimum Passing
1) Orientation		Pass/Fail
2) Job Related Physical Aptitude		Pass/Fail
3) Written Examination	40	70% (Police), See above page 8, line 4 (fire)
4) Oral Interview	60	70%
5) Polygraph Examination		Pass/Fail
6) Psychological Examination		Pass/Fail
7) Medical Examination		Pass/Fail
8) Background Investigation		Pass/Fail

Minimum cutoff point will be announced by the Board, normally at orientation, prior to conducting the examination and may vary based upon the testing agency selected to supply the examination.

The results of all examinations in the selection process are the property of the Maryville Board of Police and Fire Commissioners and scoring by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to meet the expectations of the Maryville Board of Police and Fire Commissioners will be notified and eliminated from further employment consideration.

SECTION 8 FINAL ELIGIBILITY REGISTER

The Candidates will be placed on a Final Eligibility Register in rank order highest first. Rank order shall be based upon the applicants total cumulative score, which shall be calculated as follows:

1. Original score at time placed on the Primary Eligibility Register multiplied by 40%; and,
2. Oral interview score multiplied by 60%.

Applicants shall be appointed from the Final Eligibility Register in descending order. For firefighters/paramedics, the person who ranks highest on the eligibility list is to be hired unless the Board has reason to find that the person with the highest rank does not meet the minimum standards for the position or that an alternative candidate would better serve the department and the alternate candidate is a person who is in the top 5% of those eligible or is in the top five eligible if the number of candidates in the top 5% is less than five.

SECTION 9 CONDITIONAL OFFER OF EMPLOYMENT

Candidates successfully meeting the expectations of the Board, and contingent upon available positions, will be presented a conditional offer of employment, subject to the successful completion of

1. A psychological examination;
2. Physical medical examination, including drug test;
3. A polygraph examination;
4. An in-depth background investigation conducted by person (s) assigned by the Board; and
5. Entry into the Basic Police Training Academy.

SECTION 10 PROBATIONARY APPOINTMENT

A. Eligible candidates will be notified in writing by the Board of Police and Fire Commissioners and all vacancies to the police and fire departments shall be filled by individuals from the final eligibility register in order in which their names appear on the register provided they meet all requirements previously stated and meet the minimum requirements in job description for the police patrolman/peace officer or as stated in the Manual of Rules and Regulations of the respective Department of the Village of Maryville, Illinois and approved by the Village of Maryville Board.

B. For police, all original appointments shall be on probationary period of not less than eighteen (18) months from original date of appointment, except for an individual who has already completed the Illinois Officer Certification Program the probationary period will not less than (12)months from original appointment. The final determination of successful completion of the probationary period is to the Chief.

C. For fire, all appointments shall be on probationary period not to exceed one (1) year of actual active service, excluding any training periods, sick leaves, or injury leaves. Probation may be extended for a firefighter/paramedic required to obtain EMT certification, but the person may only be terminated during the extended probation for failure to obtain the required EMT certification.

D. Any person on the final eligibility register may decline one (1) appointment. For police, candidates may pass on an appointment one time without losing his or her position on the eligibility list. For firefighters/paramedics, a candidate may pass on appointment one (1) time without losing his or her position on the eligibility list.

SECTION 11 CERTIFICATION

A. Certification of a probationary police officer shall be conditional to the successful completion of the basic training course as provided by the Illinois Law Enforcement Training and Standards Board within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

B. A classifiable set of the fingerprints of every person who is employed as a member of the Maryville Police or Fire Departments shall be furnished to the Illinois State Police and the Federal Bureau of Investigation.

C. The sole authority to issue certificates of appointment shall be vested in the Board of Police and Fire Commissioners.

CHAPTER 4 PROMOTIONAL PROCESS

SECTION 1 GENERAL

The Board shall provide for promotion in the police department on the basis of ascertained merit, seniority (time in service), written examination and oral interview(s), and shall provide in all cases, where it is practical, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. All promotions shall be made from the three (3) having the highest rating on the final promotions eligibility register as originally posted or remaining thereon after appointments have been made there from. Appointments to fill existing vacancies shall be made from those names or name remaining on the promotion register. The method of examination and rules governing examinations for promotion are specified below. The Board shall strike off all names of candidates for promotional appointments after they have remained thereon for more than three (3) years, provided there is no vacancy existing, which can be filled from the promotional register.

SECTION 2 PROMOTIONAL PROCESS

Notice of the time and place of written examination and oral interview shall be given by the Board by posting at job site at least two (2) weeks preceding the test; however the notice may be waived, in writing, by all eligible personnel for whom the promotional examination is to be given. Eligible personnel interested in participation in the testing process shall notify the Board in writing within ten (10) days of notice of examination. The total promotional examination score shall be determined as follows:

A. Written examination, one (1) point for each correct answer.
B. Oral Interview, maximum of thirty-five (35) points.
C. Job performance, maximum of twenty (20) points.
D. Seniority (time in service), one (1) point for each full year on the force: maximum five (5) points.

SECTION 3 PROMOTIONAL PREFERENCE

After the promotional examination process is completed, a preliminary eligibility list shall be posted and made available to the candidates by the Board. Candidates who are eligible for United States Veterans preference points shall be deemed waived.

The Board shall give preference to those whose name appears on existing promotional eligible register that was engaged in a military or naval service of the United States for a period of at least one (1) year and was honorably discharged.

If the candidate files a written claim and if eligible for United States veteran's preference points, the Board shall add to the total scores in accordance with state statutes

No person shall be required to claim the veteran's preference points until after the posting or publication of the preliminary eligibility list.

After being promoted from a list where veteran's preference points were used, no person shall receive veteran's preference points for any future promotional appointments on the Maryville Police Department.

SECTION 4 FINAL SCORE

A candidates final score shall consist of the combined score of the written examination and oral interview, job performance, seniority (time in service) and veteran's preference points. Candidates shall be ranked upon a promotional eligibility register in the order of their relative excellence as determined by their final score. A final eligibility list will be posted and made available to each candidate. All ties will be broken by a drawing.

SECTION 5 PROMOTIONAL VACANCY

Upon notice from the Maryville Village Board or other appropriate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section one (1) of this Chapter.

Minimum qualifications for promotion to the next higher rank are stated in the job descriptions contained in the Manuel of Rules and Regulations of the Police Department of the Village of Maryville, Illinois and approved by the Maryville Board.

SECTION 6 TEMPORARY APPOINTMENTS

The Board may make temporary appointments, to remain in force until a regular appointment may be made, but never to exceed sixty (60) days in length.

No temporary appointment of any one (1) person shall be made more than twice (2) in any calendar year.

CHAPTER 5 ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE

SECTION 1 RANK

The order of rank in the police and fire department shall be as provided by ordinance.

SECTION 2 CLASSIFICATION

The Board classifies such officers in the police and fire department for the purpose of establishing and maintaining standards of the examinations and promotions based upon job descriptions and department regulations.

SECTION 3 OATH OF OFFICE

Before entering duty, any person about to become a member of the police or fire department, or be promoted within the ranks of the police department, shall take the following oath before any member of the Board of Police and Fire Commissioners:

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

_____

Signature of Employee

_____

Signature of Person Administering Oath

_____

Date

CHAPTER 6 HEARING OF CHARGES, REMOVALS, SUSPENSION AND DISCHARGES

SECTION 1 HEARING OF CHARGES

Hearings before the Board are not common law proceedings. The provisions of the "Code of Civil Procedure" do not apply to hearings before the Board.

"Counsel" as used herein means: One who has been admitted to the bar as an Attorney-at-law in the State of Illinois.

No rehearing, reconsideration, modification, vacation, or alteration of decision of the Board shall be allowed.

"Cause" is some substantial shortcoming, which renders continuance in employment, in some way detrimental to the discipline and efficiency of the public service and something, which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause rest with the Board.

The complainant or appellant initiating any proceedings, which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of Police or Fire Chief, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.

The phrase "preponderance of evidence" is defined as the greater weight of evidence, that is to say, it rest with the evidence which, when fairly considered produces the stronger impression and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

Probationary police officers and firefighters may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

All hearings shall be public, in accordance with the Open Meetings Act. However, Section forty-two (42) specifically provides that for a good purpose, i.e. officer's or firefighter's mental competency, and subject matter may prove to be of great embarrassment: a meeting to consider information regarding appointments, employment or dismissal of an officer or firefighter/paramedic to hear testimony on a complaint lodged against an officer or firefighter/paramedic may be closed. Under ordinary circumstances, a disciplinary hearing should remain open to the public.
At the time and place of hearing both parties may be represented by counsel if they so desire.

All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board. The reporter will not transcribe the records of all hearings unless requested to do so by the Board or any party of interest.

The Board shall have the power to administer oaths and all witnesses shall be sworn prior to testifying and, the Board solely on evidence presented at the hearings will decide the matter.

The Board shall have the power to secure by subpoena both attendance and testimony of witnesses and the production of books and papers relevant to the hearings. Any request for continuance by reason of inability to serve subpoenas shall be filed with the Board at least three (3) days before the dates set for each hearing, provided, however that the Board in its discretion may waive this rule.

The Board will first hear the witnesses either substantiating the charges, which have been made against the respondent or in support of an appeal, brought by a suspended police officer or firefighter. Thereafter, the other party shall have the right to cross-examine witnesses presented by the opposition party.

SECTION 2 HEARING PROCEDURE

In all cases, written complaints shall be filed in quintuple (5), setting forth a plain and concise statement of the facts upon which the complaint is based.

The Board shall have the right to determine whether there is or not probable cause for hearing a complaint and may conduct such informal hearing as may be necessary for such purpose.

Upon the filing of a complaint in quintuple (5) with the Secretary of the Board and the determination by the Board of proper cause for entertaining said complaint. The Secretary of the Board shall notify both the complainant and respondent, by certified mail, return receipt contained in the complaint.

The Board must schedule a hearing within thirty, (30) calendar days from the date the charges are first received.

The respondent shall also be served with a copy of the complaint and if an "Order of Suspension Pending a Hearing" is entered by the Board, the respondent, the complainant, the Chief of Police or Fire Chief, the Treasurer, Personnel Committee and President shall be notified of the entry of such "Order of Suspension Pending a Hearing" and be served either personally or by certified mail, return receipt requested, with as copy of such order.

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

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

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

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

SECTION 3 SERVICE

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

SECTION 4 FILING

All papers may be filed with the Board by mailing them or delivering them personally to the Secretary of the Board. For the purpose of these Rules and Regulations, in the event the paper is delivered personally or by messenger, the filing date of any paper shall be the date it was received by the Board. 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 5 FORMS OF PAPER

All papers filed in any proceeding shall be typewritten or printed and shall be on one (1) side of the paper only.

If typewritten, the lines shall be double (2) spaced, except that long quotations may be single (1) spaced and indented.

All papers shall not be larger than eight and one-half (8 Y2) by eleven (11) with margins of not less than one (I) inch.

The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agency, or attorney thereof and copies thereof provided the opposing party or his/her counsel.

If an attorney files papers, his name and address shall appear thereon.

SECTION 6 SUSPENSION

The Board may suspend any police officer or firefighter/paramedic 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 time.

In the case a police officer or firefighter/paramedic shall be found guilty of the charges preferred against him/her after a fair and impartial hearing by the Board, he may be removed on charges or suspended for a period not exceeding thirty (30) days, without pay.

The Chief of Police or Fire Chief shall have the right to suspend any officer or firefighter/parametic under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within five (5) days of the time of such suspension. Any police officer or firefighter/parametic so suspended may appeal to the Board for review of the suspension within

five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Police and Fire Commissioners. A hearing shall be held upon such appeal and due notice to the Chief of Police or Fire Chief who suspended such officer or firefighter, and to the officer or firefighter/paramedic so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.

Upon such appeal, the Board may sustain the actions of the Chief of Police or Fire Chief, may reverse the actions with instructions that the officer or firefighter/paramedic so suspended receive his pay for the period involved, may suspend the officer or firefighter/paramedic for a period of not more than thirty(30)days, or discharge the officer or firefighter/paramedic depending on the evidence presented.

SECTION 7 DISCHARGE OR SUSPENSION AFTER HEARING

No officer or firefighter/paramedic shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense.

Discharge from office or suspension from service in the police or fire department shall be in compliance with the Police and Fire Commissioners Act of the State of Illinois, being Illinois Complied Statutes, Division 2, Chapter 65, and Section 5/10-2.1-1 through 5/10-2.1-30.
The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

SECTION 8 CONFLICT OF RULES

The Rules and Regulations of the Board of Police and Fire Commissioners and the policy manual of the police and fire departments shall govern the officers or firefighters of the police or fire departments. In case of conflict, the Rules of the Board shall govern.

SECTION 9 POLITICAL CONTRIBUTIONS

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

No person shall discharge, promote, reduce, or in any manner change the official rank or compensation of any other person in the Maryville Police or Fire Departments or promise or threaten to do so, for withholding or refusing to make any contribution of money or service or any valuable thing for any political purpose, or in any other manner, directly or indirectly, use his/her official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

SECTION 10 VIOLATION OF RULES

All officers of the police department and firefighters shall be subject to the policy and regulations of their departments and the Rules of the Board. A violation of such rules or regulations may be cause for the filing of charges before the Board and a subsequent hearing and action by the Board on such charges.

SECTION 11 VIOLATION OF LAW

Any violation of the laws of the Village of Maryville, state or federal laws, by an officer of the Maryville Police Department or firefighter/paramedic may be cause for the filing of charges against said officer or firefighter. Any individual may file charges, in writing, with the Board.

SECTION 12 FINDINGS AND DECISION

The Secretary shall present the findings and decision of the Board following a hearing of charges, and notice of said findings and decision sent to the officer or firefighter/paramedic involved and the Chief of Police or Fire Chief. If the findings and decision is that an officer or firefighter/paramedic is guilty of charges investigated and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith.

Either party has thirty-five (35) days after service of the decision to file for administrative review in the Circuit Court of Madison County, Illinois. The decision is deemed served when it is deposited in the United States Mail or date upon which decision is personally served upon the party.

CHAPTER 7 REDUCTION OF FORCE

SECTION 1 PROCEDURES

For the purpose of determining which officer in the lowest rank or position shall be removed, the least senior officer being the first so removed and/or laid off.

Such reductions and removals shall be in strict compliance with seniority and in no event shall an officer be reduced more than one (1) rank in a reduction of force.

Laid off officers shall have their names placed on a re-employment list in the reverse order of dates of lay-off.

SECTION 2 REINSTATEMENT

If positions are to be reinstated, furloughed officers shall be notified by the Board by United States Mail, certified with return receipt requested, and they shall have prior right to such positions.

The officer must make written application for such reinstated position within thirty (30) days after notification.

Furloughed employees may be required by the Board of Police and Fire Commissioners to submit to a physical examination to determine physical fitness prior to being reinstated.

CHAPTER 8 GENERAL

SECTION 1 POWERS

The Board shall have such other powers and duties as are given it by the Statutes of the State of Illinois and/or Village ordinances.

SECTION2 RULES

Any Chapters, Section and/or Subsections of the foregoing Rules for the operation of the Board that are in conflict with the State Statutes or with any amendments thereto that may hereafter be enacted are null and void. This however does not invalidate any other Chapters, Section and/or Subsections of said Rules.

SECTION 3 LEAVE OF ABSENCE

Leave of absence shall be granted by reason of military service or duty-related disability as specified in ILCS 65 5/10-2.1-23. Leaves of absence without pay may be granted by the Board as set forth in the Personnel Code of the Village of Maryville. A leave of absence is granted by the Board, during a probationary period, such probationary period shall be suspended until the probationary employee returns from his leave of absence.