

RULES AND REGULATIONS OF THE BOARD OF FIRE & POLICE COMMISSIONERS OF THE CITY OF METROPOLIS, ILLINOIS

As adopted by the Board of Fire and Police Commissioners of the City of Metropolis, Illinois, on May 14, 2021, and effective June 1, 2021.

CHAPTER I – ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Fire and Police Commissioners of the City of Metropolis, Illinois, derives its power and authority from an Act of the General Assembly entitled "Division 2.1 Board of Fire and Police Commissioners" of Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 - DEFINITIONS.

The word "Commission" and/or "Board" wherever used shall mean the Board of Fire and Police Commissioners of the City of Metropolis, Illinois. The word "Officer" shall mean any person holding a permanent office in the Police or Fire Department of the City of Metropolis, Illinois. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

SECTION 3 - OFFICERS OF THE BOARD AND THEIR DUTIES.

The Board shall annually, on the first meeting in April elect a Chairman and a Secretary. They shall hold office until the end of the fiscal year of the municipality and until their successors are duly elected and qualified. The Chairman shall be the presiding officer at all meetings. The Secretary shall keep the Minutes of all meetings of the Board in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Board.

SECTION 4 - MEETINGS.

- a) Regular meetings shall be held monthly on the 3rd Thursday at 6:00 PM in the Council Chambers at the Metropolis City Hall. Each December the Board will prepare a calendar of regular meetings and will post same in a public location. Meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the secretary of the Board and signed either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meeting, and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.
- c) During any regular or special 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 such invited persons as the Board may deem necessary. The Secretary will record the motion to close the

meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.

- d) Public notice of any regularly scheduled or special meeting shall be given in accordance with the Open Meetings Act, Illinois Compiled statutes, Chapter 5, Sections 120/1-120/5.
- e) The agenda for a "Regular Meeting" shall allow for an "Open forum" to permit individuals to appear before and address their concerns to the members of the Commission. The Commission may limit those individuals appearing during the open forum to a presentation not to exceed three (3) minutes and may require an individual to be seated if the individual addresses those present in a disrespectful or discourteous manner or the subject matter being presented is not relevant to the duties and responsibilities of the Fire and Police Commission.

SECTION 5 - QUORUM.

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

SECTION 6 - ORDER OF BUSINESS.

The order of business at any meeting shall be:

- a) Call to Order
- b) Roll Call
- c) Public Forum (Citizen Comments)
- d) Approval of Minutes
- e) Correspondence
- f) Old Business
- g) New Business
- h) Executive (Closed) Session
- i) Adjournment

SECTION 7 - PROCEDURE.

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

SECTION 8 - AMENDMENTS.

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general circulation in the City. The notice shall specify the date, not less than ten days subsequent to the date of such publication, when rules shall go into effect.

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.

The Board shall submit an Annual Report of its activities as required by Section 5/10-2.1-19 of the Board of Fire and Police Commissioners Act, and a Budget Request for the ensuing year, as required by local ordinance and the aforementioned Section 5/10-2.1-19.

CHAPTER II – APPLICATIONS

SECTION 1 - RESIDENCE.

Applicants for examination must be citizens of the United States.

SECTION 2 - APPLICATION BLANKS.

Application shall be filed upon blank forms furnished by the Commission, and applicants must comply with the requirements of said form in every respect. The application must be filed with the Commission prior to taking an examination. 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 rests upon the applicant. The applicant shall furnish with his application a copy of his Military Service Record, Discharge papers, birth certificate, High School Diploma or GED certificate, and college or university diploma. Those seeking military and/or education preference points shall additionally furnish the following: Every applicant shall furnish with their application a copy of their U.S. Form DD214 (copy #4), if applicable, for all periods of military service. If the above documentation is not provided at the time of application the Commission will not consider military preference points. Those seeking educational points shall furnish, with their application, a copy of their official transcript. Those seeking to enter as a certified experienced police officer shall provide a copy of their current fulltime state certification issued by the Illinois Law Enforcement Training and Standard Board. A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

SECTION 3 - DISQUALIFICATION.

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

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.
- c) Who is addicted to the use of intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or any crime involving moral turpitude, or a convicted of a misdemeanor under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28.3, 31-1, 31-4, 31-6, 31-7, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and

(a)(2)(C) of Section 11-4.3, and subsections (1),(6) and (8) of Section 24-1 of the Criminal Code of 1961, or the Criminal Code of 2012, as specified in Section 10-2.1-6 of the Board of Fire and Police Commissioners Act.

- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his or her application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess a high school education or its equivalent.
- j) Who has applied for a position of a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.

Any applicant, or eligible, deemed disqualified' hereunder shall be notified by the Board.

SECTION 4 - DEFECTIVE APPLICATIONS.

Defective applications shall be returned to the applicant for correction, provided the applicant is qualified for the position he seeks.

SECTION 5 - PHYSICAL AND MEDICAL EXAMINATIONS.

Applicants for original appointment shall be required to submit to a physical and medical examination by a licensed physician appointed by the Board of Fire and Police Commissioners of the City of Metropolis, Illinois.

SECTION 6 - PHYSICAL REQUIREMENTS.

Applicants for the position of Firefighter or Police Officer must meet valid standards of health and physical aptitude. Applicants will be required, just prior to appointment, to successfully complete a thorough medical evaluation to assess their fitness to perform the duties of the position sought.

SECTION 7 - AGE REQUIREMENTS.

At the time of last date for filing application for positions in the Fire or Police Department, applicant **MUST HAVE ATTAINED** age 21 but **NOT HAVE PASSED** age 35 except as provided by statute. Proof of birth date will be required prior to appointment.

SECTION 8 - NOTICE OF ACCEPTANCE.

The Secretary will notify all applicants whose applications have been accepted by the board to be present for orientation and subsequent examination with an executed Physicians Certificate that they are physically capable of participating in a strenuous "**PHYSICAL APTITUDE TEST**".

SECTION 9 - RELEASE OF LIABILITY.

All applicants shall execute and deliver to the Board a release of all liability as the result of taking a "**PHYSICAL APTITUDE TEST**" in favor to the City of Metropolis, Illinois, on a form to be prescribed by the Board.

CHAPTER III – EXAMINATIONS
ORIGINAL APPOINTMENT

SECTION 1 - NOTICE OF EXAMINATIONS.

Examinations shall be held on the dates fixed by the Commission and advertised in a local paper in accordance with the statutes of the State of Illinois. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new dates for said examination. Applicants shall be notified of the postponement of any examination and of the new dates fixed for said examination.

SECTION 2 - EXAMINATIONS.

The Commission shall call 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 Commission and shall include a statement of:

- a) The dates, times, and place where such examination will be held.
- b) Applications will be received for at least a two-week period, which shall terminate three days before the first date set for the examination.
- c) The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATION.

Applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in SECTION 4 below. No examination shall contain questions regarding applicant's political or religious opinions or affiliations. Certified Experienced Police Officers shall be exempt from the written test and the physical aptitude test.

SECTION 4 - EXAMINATIONS - MINIMUM GRADE.

The following examinations may be conducted by the Board. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. The Point system for the Examinations shall be as follows:

a) Test	Max Points
Written Test	100
Oral Interview	
Board	100
Chief	25
General Presentation	<u>25</u>
Max total	250

Examinations	% of Total Grade	Minimum passing
Orientation	-	Attendance Mandatory
Written Test	* _____ %	51%
Oral Test (Interview)	* _____ %	51%

Conditional Offer of Employment

Medical/Drug Screen Examination	-	Pass or Fail
Physical Aptitude Test	-	Pass or Fail
Background Investigation	-	Pass or Fail
Psychological Examination	-	Pass or Fail
Polygraph Test	-	Pass or Fail

Test may be given for demonstration purposes or on a pass/fail basis. Certification that a fire fighter candidate has successfully, within the twelve months immediately preceding the conduct of the written test, passed the Candidate Physical Ability Test (CPAT), as licensed and approved by the International Fire Chief's Association and the International Association of Fire Fighters, satisfies the candidate's obligation to complete the "physical aptitude test" component of this screening process. Police officer applicants are not required to take a Physical Aptitude Test until they are called from the Eligibility List. Failure of a police officer candidate to pass the physical aptitude test shall result in the withdrawal of the conditional offer of employment. Failure to pass the POWER TEST (Police Officer Wellness Evaluation Report) upon enrollment at the Police Academy or Police Institute shall result in termination of employment.

* To be announced by the Board prior to conducting the examination and may vary based upon the examination or the testing agency used by the Board.

SECTION 5 – PREFERENCE POINTS

Preference Points may be added to the scores of those candidates who have successfully completed the Physical Ability Test, the Written Examination and the Oral Interview Process as follows:

MILITARY SERVICE:

Any person who was engaged in the active military or naval service of the United States for total period of at least one year and who was honorably discharged therefrom, or who is now or may hereafter be on inactive or reserve duty in such military or naval service for at least one year shall upon request, be awarded five (5) preference points. It shall be the responsibility of the Applicant to provide evidence of qualifying military service as listed above with the original application for employment in order to be considered for preference points. Acceptable evidence of qualifying military service shall be an official Department of Defense document such as a DD 214 Copy #4, DD 214 Copy #1 and proof of honorable service from the Department of Defense such as a DD 256 A/N/AF or other official Department of Defense documentation as deemed acceptable by the Board of Fire and Police Commissioners. Preference points must be requested on a form provided by the City. *Any person whose name appears on the ELIGIBILITY LIST that is entitled to cadet or military preference or points shall receive same per Illinois statutes.*

EDUCATIONAL PREFERENCE POINTS:

Police Applicants/Educational Preference Points: Every applicant shall furnish with their application a copy of their educational transcripts and any degree awarded. Persons who have successfully obtained an Associate's Degree from an accredited college or university in the field of law enforcement or criminal justice are eligible to receive 2.5 educational preference points. In the alternative, persons who have successfully obtained a Bachelor's Degree from an accredited college or university are eligible to receive 5.0 educational preference points. Any promotional exam candidate who is eligible for educational preference points shall make a claim in writing with proof thereof within ten (10) calendar days after the date of the posting of the initial eligibility register or such claims shall be deemed waived. The preference points under this subsection shall not be cumulative.

Fire Applicants/Educational Preference Points: Persons who have successfully obtained an Associate's Degree in Fire Science or Emergency Medical Services from an accredited college or university or a Bachelor's Degree in any field are eligible to receive 5.00 educational preference points. Any applicants who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status are eligible for 5.00 preference points. Promotional candidates are eligible for the following educational preference points: Associate's Degree – 2 points, Bachelor's Degree – 4 points, Master's Degree – 6 points. Promotional candidates who have served a minimum of 12 months on active duty in the service of the U. S. Military and who have either been honorably discharged or, in lieu of an honorable discharge, are still serving in an active or inactive reserve status are eligible for 3.50 preference points. Military preference points may only be used only once for promotion.

SECTION 6 - PHYSICAL APTITUDE TEST.

All applicants may be required to submit themselves to a physical aptitude test. Only candidates who have passed the written examination will be permitted to participate in the "Physical Aptitude Test".

SECTION 7 - WRITTEN EXAMINATIONS.

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board and the grading thereof 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 grade will be notified and eliminated from all further consideration.

SECTION 8 - ORAL EXAMINATION

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than two (2) Commissioners conduct the Oral. Additionally, a designee from the command staff level of the respective department may represent the Chief of that department in the oral examination. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on: speech, alertness, ability to

communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral examination the Commissioners will discuss the Candidate's abilities using the traits listed above. Each Commissioner will then evaluate the Candidate. Candidates who fail to successfully complete the Oral examination will be notified and eliminated from all further consideration.

SECTION 9 – GENERAL PRESENTATION

All applicants participating in the Oral Examination shall be evaluated and graded upon their presentation. Factors to be considered are promptness, appropriate dress and grooming, professionalism, courtesy, eye contact, oral interaction, firm handshake, proper grammar, sentence structure, and self-confidence. The General Presentation grade shall be in addition to the Oral Examination Grade.

SECTION 10- ELIGIBILITY REGISTER/PREFERENCE IN APPOINTMENT

The Board will prepare an Eligibility Register of the candidates successfully completing the orientation, written test, oral interview and physical aptitude test and will be listed in order of excellence based on their final weighted score. The Board will prepare a second eligibility register for certified experienced police officers meeting the qualifications set forth below in Section 11. Preference will be given in appointment of certified eligible experienced police officers over non-certified applicants.

A dated copy of the Eligibility Register shall be sent to each person appearing thereon. This copy shall include the date of expiration of the register two (2) years hence.

Appointment from the Eligibility Register is subject to satisfactorily passing an in-depth psychological examination, a polygraph test, background investigation and a thorough medical examination (which may include a test of the applicant's vision, hearing, the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).

SECTION 11-CERTIFIED/ELIGIBLE POLICE OFFICERS

ENTRY FOR CERTIFIED EXPERIENCED POLICE OFFICER CANDIDATES

All persons possessing a current certification from the Illinois Law Enforcement Training and Standards Board may be considered for accelerated entry (referred to as "certified entry candidates"). Certified Experienced Police Officer candidates selected must first meet all of the following criteria:

- Status as a sworn municipal police officer, state trooper or county Sheriff's Deputy for one year after completion of a probationary period, and
- In good standing in the police department in which the person serves or served within 6 months from the date of the application and
- Possesses substantially equivalent skills and abilities as a City of Metropolis Police Officer who has completed the probationary period, as determined by the City, and
- Taken and passed such examinations as the Commission deems necessary to determine fitness for duty as a Police Officer.

SECTION 12 - PROFESSIONAL EXAMINATIONS AND TESTS.

Each applicant for original appointment may be required to submit to a psychological examination by such psychologist or psychiatrist as the Board may in writing designate, and may be required to submit to a polygraph device deceptive test, commonly known as a lie detector test, at such time and place as the Board may in writing designate. Any or all such tests shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test(s) shall disqualify him to enter upon the duties of the office for which the applicant filed.

Medical examinations shall be performed by a licensed physician chosen by the Board.

SECTION 13- PROBATIONARY APPOINTMENT.

All vacancies to the Fire or Police Departments shall be filled by individuals from the Eligibility Register in the order in which their names appear on the Register and having met all requirements previously listed.

All original appointments to the police department shall be for a probationary period of twelve (12) months. All original appointments to the fire department shall be for a period of twenty-four (24) months to permit satisfactory completion of paramedic training.

Note: If firefighters are not required to provide paramedic services, state law limits firefighter probationary periods to not more than 12 months in duration. Any person whose name appears on the Eligibility Register may decline appointment. It shall be the option of the Board to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Register.

SECTION 14 – CERTIFICATION.

Final certification of probationary Police Officers shall be subject to successful completion of the basic Training Course as provided by the Illinois Governmental Law Enforcement Officers Training Board within the prescribed probationary period. Final certification of probationary Firefighters shall be subject to successful completion of the Certified Firefighter Basic Training Course as prescribed by the Illinois Fire Protection Personnel Standard and Education Commission within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal. Firefighters serving as paramedics shall also complete all course work and be certified as paramedics during their probationary period. Inability to successfully complete these courses shall be grounds for dismissal.

CHAPTER IV – PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Board, by its rules, shall provide for promotion in the Fire and Police Departments on the basis of ascertained merit and seniority in service and examination, and shall provide In all cases, where it is practicable, that vacancies shall be filled by promotion. Notwithstanding anything set forth herein to the contrary, the Board shall follow the Fire Department Promotion Act, as amended, in making all promotions within the Fire Department. 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, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made therefrom, appointments to fill existing vacancies shall be made from those names or name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment 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.

- a) The final Promotional Examination score shall be determined as follows:

Written Test Score

Oral Test Score

Department Merit and Efficiency Rating

Maximum of 10 points based on a scale of 1 - 10

Seniority

One point per year of service, or part thereof on the Metropolis Fire or Police Department up to a maximum of five (5) points. One point per year of time in grade, or part thereof, up to a maximum of five (5) points.

- b) The Commission, in determining next in order of rank in promotional examinations, herewith determines a policy of extending the examination successively through all the orders of rank in the service in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing.

SECTION 2 - TOTAL SCORE

A candidate's total score shall consist of the combined scores of the merit/efficiency rating, written and oral examinations, plus seniority and veterans preference points. Candidates shall take rank upon a promotional eligibility register in the order of their total score.

SECTION 3 - PROMOTIONAL PREFERENCE

Military credit will be granted according to statute.

SECTION 4 - PROMOTIONAL VACANCY

Upon notice from the corporate authorities that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in SECTION 1 of this CHAPTER IV.

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

SECTION 1 – RANK

The order of rank in the Police and Fire Departments, respectively, shall be as provided by ordinance and municipal budget.

SECTION 2 – CLASSIFICATION

The Board classifies such offices in the Fire and Police services for the purpose of establishing and maintaining standards of examinations and promotions based upon job descriptions and departmental regulations.

SECTION 3 - OATH OF OFFICE

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

"I _____, do solemnly swear or affirm 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 of (police officer/firefighter) according to the best of my ability. "

Signed _____

Subscribed and sworn to before me this day ____ of 20____. NOTARY PUBLIC

He shall enter into such bond in such amount as prescribed by Ordinance.

CHAPTER VI HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

SECTION 1 - HEARING OF CHARGES.

- a) 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.
- b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this state.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.
- d) "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 is in the Board.
- e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.
- f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered

produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

- g) All hearings shall be public, in accordance with the Open Meetings Act.
- h) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- i) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- j) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Board or any party of interest.
- k) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- l) 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 may present and examine those witnesses whom he desires the Board to hear. All parties shall "have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 - HEARING PROCEDURE.

- a) **COMPLAINTS:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **PROBABLE CAUSE:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.
- c) **NOTIFICATION OF HEARING:** Upon the filing of a complaint in quintuple 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, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. 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 the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d) **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **STIPULATIONS:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced 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.

- f) **SUFFICIENCY OF CHARGES-OBJECTIONS TO:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 3 - SUBPOENAS.

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside of the State of Illinois.
- b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

SECTION 4 - 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 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 or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5 – FILING

All papers may be filed with the Board by mailing them or delivering them personally to the secretary of the Board at Metropolis, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Board's Office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date which is postmarked on the envelope of such paper.

SECTION 6 - FORMS OF PAPER.

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8-1/2 by 11 with inside margins of not less than one inch.
- d) The original of all papers filed shall be signed in ink by the party filling the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- e) If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7 - COMPUTATION OF TIME.

The time within which any act under these Rules is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such

Sunday or holiday is also a holiday or a Sunday then such succeeding day shall also be excluded.

SECTION 8 - SUSPENSION.

- a) The Board may suspend any member of the Fire or Police Department against whom charges have been preferred, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- b) The Chief of the Fire and Police Department shall have the right to suspend any officer under his command for a period of 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 24 hours of the time of such suspension. Any policeman or fireman so suspended may appeal to the Board for a 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 Fire and police commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such officer, and to the officer so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may suspend the officer for a period of not more than 30 days, or discharge him, depending on the evidence presented.

SECTION 9 - DISCHARGE OR SUSPENSION AFTER HEARING.

Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled statutes.

The Board shall, within a reasonable time after the bearing is completed, enter its findings on the records of the board.

SECTION 10 - DATE OF HEARING

The time for the hearing of charges shall be set by the Board, within thirty (30) days of the time of the filing of such charges. Continuances may be granted from time to time upon motion of any party to the proceeding by order of the Board. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of department on one of its members.

SECTION 11 - FINDINGS AND ORDER

In case any member of the Fire or Police Department shall be found guilty of the charges preferred against him after a hearing by the Board, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Board may sustain the action of the Chief, may reverse it, in whole or in part, or may suspend the officer or firefighter for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

SECTION 12 - RULES CONFLICT

The personnel of the Fire and Police Department shall be governed by the Rules as adopted by the Commission and the Regulations of the Fire and Police Departments as adopted by ordinance. In case of conflict, the Rules of the Board shall govern.

SECTION 13 - POLITICAL CONTRIBUTIONS.

NO person in the Fire Department or Police Department of the City of Metropolis, Illinois, shall be under any obligation to contribute to any political fund or to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Fire Department or Police Department of the City of Metropolis, Illinois, shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

SECTION 14 - VIOLATION OF RULES.

All members of the Fire and Police Departments shall be subject to the regulations of such Departments, and the Rules of the Board, and a violation of such rules or regulations may be cause for the filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

SECTION 15 - VIOLATION OF LAW.

Any violation of the laws of the municipality or state or federal law, by any member of the Fire and Police Department of such municipality may be cause for the filing of charges against said officer, except as herein otherwise provided.

SECTION 16 - FINDINGS AND DECISION.

The findings and decision of the Board, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer involved and the department head for enforcement. If the finding or decision is that an officer or employee is guilty of charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective forthwith. (See Section 9 of this Chapter VI)

CHAPTER VII - GENERAL

SECTION 1.

The Board shall have such other Powers and Duties as are given it by the statutes of the State of Illinois or by ordinance.

SECTION 2.

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

SECTION 3.

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 general circulation in the municipality, 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 4 - LEAVE OF ABSENCE

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 65, Section 5/10:-2.1-23. If a Leave of Absence is granted by the Board during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

Time away from work on Workman's Compensation does not constitute "Leave of Absence" as defined under this SECTION 4.