

NORTH RIVERSIDE CIVIL SERVICE COMMISSION



ABA REVISED

**RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
OF THE
VILLAGE OF NORTH RIVERSIDE
STATE OF ILLINOIS**

As adopted by the Civil Service Commission of the Village of North Riverside, Illinois, effective October 22, 2011.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Civil Service Commission of the Village of North Riverside, Illinois derives its power and authority from an Act of the General Assembly entitled, "Division 1. Civil Service In Cities", of Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 - DEFINITIONS.

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

SECTION 3 - OFFICERS OF COMMISSION AND THEIR DUTIES.

The Commission 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 Commission in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Commission.

SECTION 4 - MEETINGS.

- a) Regular meetings shall be held quarterly, notice shall be posted and 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 meetings, 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 held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, "120/1-120/5.
- e) If a member is unable to be physically present at a meeting of the Board, whether it be for health related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by way of telephonic or other electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who are physically present as well as those attending by telephonic or other electronic means. Notice that a board member will be in attendance and participating at a Board meeting, not in person but electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting.
- f) 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 Commission 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) Approval of the Minutes.
- b) Communications.
- c) Unfinished Business.
- d) New Business.
- e) 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 Commission may be made at any meeting of the Commission. 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 Village. The notice shall specify the date, not less than 10 days subsequent to the date of such publication, when rules shall go into effect.

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST.

The Commission shall submit an Annual Report of its activities as required by §5/10-1-21 of the Civil Service In Cities Act.

CHAPTER II - APPLICATIONS

SECTION 1 - RESIDENCE.

Applicants for examination must be citizens of the United States and/or an alien admitted for permanent residence or lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States.

SECTION 2 - APPLICATION BLANKS.

Applications for position 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 and Discharge papers, Social Security Card, Birth Certificate, High School Diploma or G.E.D Certificate, a copy of his College or University Degree and, if requested, a copy of a certified transcript of his course work from an accredited College or University.

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 applies.
- b) Who is physically unable to perform the duties of the position to which he 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 misdemeanor involving moral turpitude, as specified in §5/10-1-7 of the Civil Service In Cities 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 application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who has applied for a position of a police officer and is or has been classified by his Local Selective Service Draft Commission as a conscientious objector.
- j) Applicants for original appointment within the North Riverside Fire Department shall be certified as a Fire Fighter II by the Illinois State Fire Marshall's Office and be licensed by the State of Illinois as an EMT-B or EMT-P, at the time of application and at the time of original appointment.

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

SECTION 4 - DEFECTIVE APPLICATIONS.

Incomplete or defective applications will not be accepted and will disqualify the applicant.

SECTION 5 - AGE REQUIREMENTS.

Applicants for a position as a police officer or fire fighter shall be under 35 years of age at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitation as provided in Section 5/10-1-7(i) of the Civil Service Act. Applicants, at such time as they file their application with this commission, must be 21 years of age. Proof of birth date will be required at time of application.

SECTION 6 - NOTICE OF ACCEPTANCE.

The Secretary will notify all applicants whose applications have been accepted by the Commission 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 7 - RELEASE OF LIABILITY.

All applicants shall execute and deliver to the Commission a release of all liability as the result of taking a "Physical Aptitude Test" in favor of the Village of North Riverside on a form to be prescribed by the Commission.

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

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. The Board, at its discretion, may limit the number of applications to be made available to the candidates or limit the number of completed applications to be accepted for consideration. Examinations may be postponed, however, by order of the Commission, which order shall state the reason for such postponement and shall designate a new date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

SECTION 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 time and place where such examination will be held.
- b) The location where applications may be obtained and the date by which applications must be returned to the commission.
- c) The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATIONS.

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

SECTION 4 - EXAMINATIONS - MINIMUM GRADE.

The following examinations may be conducted by the Commission. The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	-	Attendance Mandatory
Physical Aptitude Test		**
Written Test	70%	*
Oral Interview	30%	*
Background Investigation	-	Pass or Fail
Polygraph Test	-	Pass or Fail

Conditional Offer of Employment

Psychological Examination	-	Pass or Fail
Medical Examination	-	Pass or Fail

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

** Test may be given on a demonstration or 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.

Note: To any person who is entitled to military preference whose name appears on the register of eligibles, the Commission shall add five (5) points (§5/10-16) upon request of applicant.

SECTION 5 - ORIGINAL APPOINTMENT - PHYSICAL APTITUDE TEST.

All applicants may be required to submit themselves to a physical aptitude test. If a physical aptitude test is given, only candidates who have successfully completed or passed the physical aptitude test will be permitted to participate in the "Written Examination".

SECTION 6 - ORIGINAL APPOINTMENT - WRITTEN EXAMINATIONS.

Information as to the type of written examination employed by the Commission will be provided as part of the orientation program. All examination papers shall be and remain the property of the Commission and the grading thereof by the Commission shall be final and conclusive and not subject to review by any other 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 7 - INITIAL ELIGIBILITY LIST - POLICE OFFICER.

- a) The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, physical ability test (if any), written test and oral interview. Candidates shall be placed on the eligibility list in order of their relative excellence as determined by their test scores. The Candidates will be listed in order of excellence based on their final score.
- b) This register is subject to change with the addition of any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 (a) of the Act. Preference points will not be added to any candidate's score if that candidate failed to obtain a minimum passing score. Candidates who are eligible for any preference points, shall make a claim in writing with proof thereof within ten (10) days after the date of the first posting of the initial eligibility list or such claim shall be deemed waived.
- c) A dated copy of the Initial Eligibility Register, duly adjusted with preference points awarded, shall be sent to each person appearing thereon.
- d) A candidate's name shall be stricken from an initial eligibility register or a subsequent primary register after the name has been on the initial eligibility register for a period exceeding two (2) years.

SECTION 8 - FINAL ELIGIBILITY REGISTER - POLICE OFFICER.

- a) Final appointment for the Police Department shall be from the names appearing on the “Final Eligibility Register.”
- b) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Initial Eligibility List who shall be required to submit to an oral interview to be conducted by the Board and, if successful, whose names will be included on the “Final Eligibility Register.”
- c) The names of the applicants shall be placed upon the “Final Eligibility Register” in rank order, highest first. Rank order shall be based upon the applicant’s total cumulative score which shall be calculated as follows:
 - 1) Original written test score multiplied by 70%; and,
 - 2) Oral interview score multiplied by 30%.
- d) In the event a “Final Eligibility Register” is exhausted prior to the expiration of the “Initial Eligibility Register,” the Board may establish another “Final Eligibility Register” in accordance with subsections a) through c) above.
- e) Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.
- f) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing 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 and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).

SECTION 9 - PRELIMINARY ELIGIBILITY LIST - FIREFIGHTERS

The Commissioners will prepare a "Preliminary Eligibility Register" of the Candidates who have attended the orientation and passed the written test. Candidates shall be placed on the preliminary eligibility list in the order of their relative excellence as determined by their written test scores.

SECTION 10 - INITIAL ELIGIBILITY LIST - FIREFIGHTERS.

- a) The Board shall select a number of candidates (the number to be determined at the discretion of the Board and announced at orientation) from the top of the Preliminary Eligibility List who shall be required to successfully complete a physical agility examination and submit to an oral interview to be administered by the Board and, if successful, their names will be included on the "Initial Eligibility Register."
- b) The names of the applicants shall be placed upon the "Initial Eligibility Register" in rank order, highest first. All scored examinations shall be based upon a scale of 1 to 100. Rank order shall be based upon the applicant's total cumulative score which shall be calculated as follows:
 - b-1) Original written test score multiplied by 70%; and,
 - b-2) Oral interview score multiplied by 30%.
- c) In the event a "Final Eligibility Register" is exhausted prior to the expiration of the "Initial Eligibility Register," the Board may establish another "Final Eligibility Register" in accordance with subsections a) through c) above. Names will be stricken from the Initial Eligibility List after the names have appeared on the list in excess of two years.

SECTION 11 - FINAL ELIGIBILITY LIST - FIREFIGHTER

- a) Final appointment for the Fire Department shall be from the name appearing on the "Final Eligibility List" after the addition of claimed preference points. Within ten (10) days after the posting of the Initial Eligibility Register, applicants, whose names appear thereon, shall make a claim for preference points. Failure to timely make a claim for preference points shall constitute a waiver thereof. Preference points shall be awarded as follows:
 - a-1) Military Preference – 5 points. Awarded to 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.

- a-2) Fire Cadet Training-none.
- a-3) Education Preference – 5 points. Candidates must have an Associate’s Degree in Fire Science or Emergency Medical Services from an accredited Community or Junior College or a Bachelor’s Degree in any field from an accredited College or University.
- a-4) Paramedic Preference – none.
- a-5) Experience Points – none.
- a-6) Residency Points – none.
- a-7) Additional Points – none.
- b) Applicants shall be appointed from the Final Eligibility Register in descending order.
- c) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing 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 and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics). A conditional offer of employment shall be made prior to an applicant submitting to the in-depth psychological examination and the medical exam.
- d) Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained within these rules and regulations, the Board may pass over the highest ranked candidate if that candidate fails to meet the minimum standards for the position or if the Board believes an alternate candidate may be better qualified for the position and that candidate is ranked within the top 5% of the candidates on the register or who is within the top 5 candidates remaining on the list if the top 5% of the register of eligibles is less than 5 people.

SECTION 12 - PROFESSIONAL EXAMINATIONS AND TESTS.

- a) Each applicant for original appointment shall submit to a Psychological Examination by such psychologist or psychiatrist as the Commission may in writing designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.
- b) Any applicant for original appointment to the Fire or Police Department of the Village of North Riverside, Illinois, 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 Commission may in writing designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.
- c) Medical Examinations shall be performed by a licensed physician.

SECTION 13 - PROBATIONARY APPOINTMENT.

- a) All vacancies to the Fire or Police Departments shall be filled by individuals from the Final Eligibility Register in the order in which their names appear on the register and having met all requirements previously listed.
- b) All original appointments to the police department shall be for a probationary period of eighteen (18) months. The probationary period of a newly appointed police officer shall commence as of the first date said individual reports for work with the department. All original appointments to the fire department shall be for a probationary period of twelve (12) months. The probationary period of a fire fighter/paramedic may be extended beyond the original 12 month period until such candidate is licensed to serve as paramedic by the Illinois Department of Health. The probationary period of a newly appointed fire fighter will commence when the fire fighter first reports for work with the fire department. A probationary period will be tolled for those periods of time a probationary employee, for whatever reason, is unable or unavailable to perform his or her assigned duties .
- c) Any person whose name appears on the Final Eligibility Register may decline appointment. It shall be the option of the Commission to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Final Eligibility Register.
- d) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers or fire fighters by statute or these rules.

SECTION 14 - CERTIFICATION.

- a) 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.

- b) 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.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Commission, 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. 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 there from, 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 Commission may strike off the names of candidates for promotional appointment after they have remained thereon for two years and shall strike off the names and 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. The "rule of three" is not applicable to promotions within the Fire Department which are governed by Section 3 below.

Candidates for promotion within the police department must have held their current rank for a minimum period of eighteen (18) months, at such time as the notice of promotional testing is posted, before becoming eligible to test for promotion to the next higher rank. Each weighted component of the examination shall be based upon a scale of 1 to 100.

- a) The final Promotional Examination score for promotions within the ranks of the North Riverside Police Department and any promotional rank above the position of Fire Lieutenant within the North Riverside Fire Department shall be determined as follows:

<u>Examination</u>	<u>Passing Grade</u>
<u>Written Test Score</u>	*
<u>Oral Test Score</u>	*
<u>Department Merit and Efficiency Rating</u> (Based on scale of 1-20) maximum of 20 points	N/A

Seniority

½ point per year of service, or part thereof on the North Riverside Fire or Police Department up to a maximum of ten (10) points.

- * The passing grade, if any, shall be announced by the Commission prior to conducting the examination and may vary based upon the examination or the testing agency used by the Commission.

- b) In the event no candidate from the immediate next lower rank qualifies for promotion, 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 services in an endeavor to qualify suitable eligible or eligibles for the vacancy or vacancies existing before extending the examination to the general public.

SECTION 2 - TOTAL SCORE

A Candidate's total score shall consist of the combined scores of the merit/efficiency rating, written examination and oral examination plus seniority and veteran's preference points. Candidates shall take rank upon a promotional eligibility register in the order of their relative excellence as determined by their total score. In the event of a tie score, the placement of the tied candidates' names on the eligibility list shall be determined by lot, in the presence of a quorum of the Commission, in whatever manner the Commission deems appropriate.

SECTION 3 - FIRE LIEUTENANT'S PROMOTIONAL EXAMINATION

Promotional testing and appointment to the rank of Fire Lieutenant shall be conducted in accordance with the terms and conditions set forth within Article 23, entitled "Promotions", and any amendments thereto, as specified within a certain Collective Bargaining Agreement, effective May 1, 2005, through April 30, 2009, as well as any successive agreements or amendments thereto, by and between the Village of North Riverside (an Illinois municipal corporation) and the North Riverside Firefighters and Lieutenant's Union Local 2714 of the International Association of Firefighters-AFL-CIO-CLC.

SECTION 4 - PROMOTIONAL VACANCY.

Upon notice from the Municipal Manager or other appropriate corporate authority that a promotional vacancy exists, the Commission shall certify the candidates eligible for promotion 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 Department shall be as provided by ordinance and municipal budget.

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

SECTION 2 - CLASSIFICATION.

The Commission 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.

**CHAPTER VI - HEARING OF CHARGES, REMOVALS,
SUSPENSIONS AND DISCHARGES**

SECTION 1 - HEARING OF CHARGES.

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

- e) The complainant or appellant initiating any proceedings which call for a hearing before the Commission 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) Probationary employees may be summarily dismissed by the Commission and are not entitled to the protection afforded to other full-time employees by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act.
- i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- j) All proceedings before the Commission during the conduct of the hearing shall be recorded by a court reporter to be employed by the Commission.

- k) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Commission or any party of interest.
- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Commission solely on evidence presented at the hearings.
- m) The Commission 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 Commission 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 Commission 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 Commission, and the determination by the Commission of proper cause for entertaining said complaint, the Secretary of the Commission shall notify both the complainant and the 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 Commission, the respondent, the complainant, the Chief of the Department, the Village Treasurer and the Village Administrator 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 Commission.

- 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 a result of a decision of the Commission 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 Commission.

SECTION 3 - SUBPOENAS.

- a) Any party to an administrative hearing may, at any time before the hearing, make application to the Commission 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 Commission 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 Commission at least three (3) days before the date set for such hearing, provided, however, that the Commission 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 Commission, 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 Commission by mailing them or delivering them personally to the Secretary of the Commission at the Village of North Riverside, Illinois. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Commission'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 8½" 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 filing 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 Chief of the Fire and Police Department shall have the right to suspend any officer 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 Commission, and he shall promptly notify the Commission in writing of such suspension. Any policeman or fireman so suspended may appeal to the Commission 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 Civil Service Commission. 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.
- b) Upon such appeal, the Commission 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 thirty (30) days, or discharge him, depending on the evidence presented.

SECTION 9 - DISCHARGE OR SUSPENSION AFTER HEARING.

- a) Discharge from office, or suspension from service in the Fire or Police Department shall be in compliance with the Civil Service In Cities Act of the State of Illinois, being Division 1, §§5/10-1-1 through 5/10-1-48, inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- b) The Commission shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Commission.

SECTION 10 - DATE OF HEARING.

The time for the hearing of charges shall be set by the Commission, within a reasonable period of time subsequent to 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 Commission. This time limitation is not applicable to hearings conducted to review suspensions of five (5) days or less imposed by a Chief of a 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 Commission, he may be removed, discharged, or suspended for a period not exceeding thirty (30) days, without pay. Upon an appeal, the Commission 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 Commission shall govern.

SECTION 13 - POLITICAL CONTRIBUTIONS.

No person in the Fire Department or Police Department of the Village of North Riverside, Illinois, shall be under any obligation to contribute any funds 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 the Police Department of the Village of North Riverside, 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 Commission, and a violation of such rules or regulations may be cause for filing of charges before the Commission, a subsequent hearing and action by the Commission 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 or firefighter, except as herein otherwise provided.

SECTION 16 - FINDINGS AND DECISION.

The findings and decision of the Commission, following a hearing of charges, shall be preserved by the Secretary, and notice of said finding and decision sent to the officer or firefighter 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 Commission 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 Commission 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 Commission may be made at any meeting of the Commission. 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, §5/10-1-46. If a Leave of Absence is granted by the Commission during a probationary period, such probationary period shall be tolled until the probationary employee returns from his leave of absence.

RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION

VILLAGE OF NORTH RIVERSIDE
STATE OF ILLINOIS

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