

**RULES AND REGULATIONS
OF THE
BOARD OF POLICE COMMISSIONERS
VILLAGE OF WILLOWBROOK
STATE OF ILLINOIS**

ADOPTED: December 18, 2015

REVISED: April 21, 2023

PUBLISHED: April 24, 2023

TABLE OF CONTENTS

CHAPTER I -	ADMINISTRATION	3
CHAPTER II -	APPLICATIONS	6
CHAPTER III -	EXAMINATIONS.....	8
CHAPTER IV -	PROMOTIONAL EXAMINATIONS.....	14
CHAPTER V -	ORDER OF RANK, CLASSIFICATION AND OATH OF OFFICE.....	16
CHAPTER VI -	HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES	17
CHAPTER VII -	GENERAL	23

**RULES AND REGULATIONS
OF THE
BOARD OF POLICE COMMISSIONERS
OF THE
VILLAGE OF WILLOWBROOK
STATE OF ILLINOIS**

As adopted by the Board of Police Commissioners of the Village of Willowbrook, Illinois, effective May 8th, 2023.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY.

The Board of Police Commissioners of the Village of Willowbrook, 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 (ILCS), unless otherwise required or defined by Chapter 65 of the Illinois Compiled Statutes.

SECTION 2 - DEFINITIONS.

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

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES.

Annually, at the first meeting on or after May 1st, the Board shall 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 on the 3rd Friday of each month at 9:00 a.m., at the location posted by the Village Clerk at the beginning of each year on behalf of the Board of Police Commissioners. 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, 5 ILCS 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 "Visitors' Business" 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 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) Visitors' Business (Citizen Comments)
- d) Approval of Minutes
- e) Communications
- f) Unfinished Business
- g) New Business
- h) 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 Village. The notice shall specify the date, not less than 10 days subsequent to the date of such publication, when the 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 65 ILCS 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 65 ILCS 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.

Applications for a position shall be filed upon blank forms furnished by the Commission. Application forms may be obtained on line or through the Board-approved testing agency. Applicants must comply with the requirements of said form in every respect. The application must be filed with the Board-approved testing agency 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, 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 Board 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 drugs or intoxicating beverages or is found to have taken or used drugs or narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in 65 ILCS 5/10-2.10-6 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 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 as a police officer and is or has been classified by his Local Selective Service Draft Board as a conscientious objector.
- k) Who does not possess an Associate's Degree in Criminal Justice or Law Enforcement or a Bachelor's Degree in any field of study.

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

SECTION 4 - DEFECTIVE APPLICATIONS.

The Board-approved testing agent shall return defective applications to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought.

SECTION 5 - AGE REQUIREMENTS.

Applicants shall be under 35 years of age, at the time of application and at such time as the initial eligibility list is posted, unless exempt from such age limitation as provided in 65 ILCS Section 5/10-2.1-6 of the Fire and Police Commissioners' Act. Applicants, at such time as they file their application with this board, 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 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 7 - RELEASE OF LIABILITY.

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

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

SECTION 1 - NOTICE OF EXAMINATIONS.

Examinations shall be held on the dates fixed by the Board 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 date for said examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for said examination.

The Board may conduct entry-level examinations at any time, even if applicants remain on a Final Eligibility Register. In that event, applicants who successfully complete subsequent entry-level examinations will be merged onto an existing Final Register as described in Register Section 8 of Chapter III below.

SECTION 2 – ENTRY-LEVEL POLICE EXAMINATION ELEMENTS

Applicants who proceed through the regular entry-level Police Officer examination process will be subject to the following testing elements:

- a) Testing Elements. The Board may require applicants to attend an orientation session and successfully pass a written examination, oral interview, polygraph examination, and background investigation. A medical examination, drug test and psychological examination will also be required if a conditional job offer is given to an applicant. The sequence of testing may vary at the discretion of the Board. Failure to achieve the minimum passing grade in any component of the examination process disqualifies the applicant from any further participation in the current testing process.
- b) Preference Points. Applicants who have passed their examinations by the required scores shall be eligible for only military preference points as described in 65 ILCS 5/10-2.1-8 and 10-2.1-9(a), as those statutory Sections may be amended from time to time.

SECTION 3 - WRITTEN EXAMINATION

A written examination shall not contain any questions regarding an applicant's political or religious opinions or affiliations. Applicants must attain a passing score on the written examination (as established by the Board at the beginning of the process) in order to continue with the entry-level Police Officer testing process. Candidates who fail to achieve a passing grade will be notified in writing and eliminated from the current testing process. All written examination papers and materials shall be and remain the property of

the Board and the grading thereof by the Board or its testing agent shall be final and conclusive and not subject to review by any other board, tribunal, or court of any kind or description.

SECTION 4 - INITIAL ELIGIBILITY LIST

The Board will prepare an Initial Eligibility List of the candidates who attended the orientation session (if required), and successfully passed the written examination with a passing score as established by the Board. Candidates shall be placed on the Initial Eligibility List in order of their relative excellence as determined by their written examination scores without the application of any available preference points.

The Board shall post a dated copy of the Initial Eligibility List on the Village's Internet website and other locations that the Board deems appropriate. The list shall include the final grades of the candidates on the written examination, subject to claim for preference points. A dated copy of the Initial Eligibility List shall also be sent to each candidate whose name appears thereon to the U.S. Postal Service address or email address provided in the application.

SECTION 5 - PREFERENCE POINTS

Candidates on the Initial Eligibility List described in Section 4 of this Chapter III shall be eligible for only military preference points pursuant to 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10- 2.1-9(a), as those statutory Sections may be amended from time to time. The total number of military preference points for each eligible candidate on the Initial Eligibility List will be five (5). No other preference points described in 65 ILCS 5/10-2.1-8 and 65 ILCS 5/10-2.1-9(a) will be offered to candidates.

Candidates who are eligible for any preference points shall make a claim in writing to the Board or its testing agent within ten (10) calendar days after the date the Initial Eligibility List is finalized and posted or such claim shall be deemed waived.

It shall be the responsibility of the candidate to provide evidence of eligibility for the preference points described in 65 ILCS 5/10-2.1-8, as that statutory Section may be amended from time to time. For qualifying military service, acceptable evidence 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.

SECTION 6- PRIMARY ELIGIBILITY REGISTER

The Board or its testing agent shall prepare and post a Primary Eligibility Register from the Initial Eligibility List, which shall include any claimed and approved preference points described in Section 5 of this Chapter III. The posting and notification process for this Primary Eligibility Register will follow the process described in Section 4 of this Chapter III. The Primary Eligibility Register shall remain valid

for two (2) years after which it will expire and the Board will strike off all remaining names.

Before the aforementioned two-year expiration date, candidates may be selected from the Primary Eligibility Register for the oral interview process described in Section 7 of this Chapter III. Any person on the Primary Eligibility Register who exceeds the age 35 requirement before being appointed as a Police Officer shall remain eligible for appointment until the Primary Eligibility Register is exhausted or the Register expires after two (2) years.

SECTION 7 – ORAL INTERVIEW

The Board in its discretion shall periodically select a number of candidates from the Primary Eligibility Register (prior to its expiration date) who will be required to participate in an oral interview that is conducted by the Board and/or its testing agent.

A quorum of Board members shall participate in the oral interview process of entry-level Police Officer candidates selected from the Primary Eligibility Register. The same Board members must conduct all of the oral interviews for each of the Police Officer candidates. If a numerical grade is used to evaluate a candidate's oral interview performance, the Board shall submit its individual scores of each candidate to the testing agent, which will calculate an average oral interview score for each candidate.

Candidates must attain a passing score on the oral interview process in order to be placed on the Final Eligibility Register. Candidates who fail to successfully complete the oral interview process will be notified in writing and eliminated from the current testing process.

SECTION 8 – FINAL ELIGIBILITY REGISTER

Candidates who have successfully completed the oral interview process shall be placed upon the Final Eligibility Register in rank order, from highest to lowest total cumulative score. The rank order shall be based upon the candidate's total cumulative score that involves the following weights:

- a) Original written examination score with preference points awarded multiplied by 60%;
and,
- b) Oral interview score multiplied by 40%.

Applicants and their total cumulative scores will be merged with other applicants who currently are on the Final Eligibility Register, without regard to their respective examination dates. Where more than one (1) candidate receives the same number of points, the placement of the tied candidates' names on the Final Eligibility Register shall be determined by lot, in the presence of a quorum of the Board, in whatever means the Board deems appropriate. However, if a candidate who is also a veteran receives the same number of points as another candidate(s), the veteran shall be placed above the other candidate(s).

Any candidate whose name appears on the Final Eligibility Register may decline appointment one (1) time without otherwise altering the candidate's original position on the current Final Eligibility Register. Any candidate who declines a second time may be removed from the Final Eligibility Register by the Board.

A dated copy of the Final Eligibility Register shall be posted on the Village's website and other locations deemed appropriate by the Board, and sent to each candidate whose name appears there onto the U.S. Postal Service address or email address provided in the application. In the event a Final Eligibility Register is exhausted prior to the expiration of the Primary Eligibility Register, the Board may establish another Final Eligibility Register by following the process described in Sections 7 and 8 of this Chapter III.

The Final Eligibility Register shall remain valid for two (2) years from its posting date, after which it will expire, and the Board will strike off all remaining names. Applicants currently on a Final Eligibility Register will be permitted to participate in subsequent entry-level examinations and, if such applicants successfully pass the subsequent examination, the applicants may elect to retain their current placement and score, or accept their new placement and score (in which case their current placement and score will be removed). Any candidate placed on the Final Eligibility Register who exceeds the age requirement before being appointed to the police department shall remain eligible for appointment until the Final Eligibility Register is exhausted, or his or her name has been on the register for more than two (2) years.

Nothing contained in the Rules under this Chapter shall be deemed to prevent the Board from initiating examinations for original appointments when a current Final Eligibility Register has not expired.

Any candidate on the original Final Eligibility Register who is not participating in the subsequent Police Officer examination process shall have his/her name stricken from the Final Eligibility Register on the two-year anniversary date of his/her placement on it.

SECTION 9 – CHARACTER AND BACKGROUND INVESTIGATION

Before a candidate on the Final Eligibility Register is given a conditional offer of employment, the candidate must successfully pass a character and background investigation, which may include a polygraph examination, that will be graded on a pass/fail basis. The results of a polygraph examination shall not be a single determinant of qualification for employment, but shall be used as an adjunct to the character and background investigation. A candidate who fails to complete and pass the character and background investigation will be notified in writing and eliminated from the current testing process. The Board may select any number of candidates from the Final Eligibility Register to undergo a character and background investigation.

Village police department staff or another investigative agent may be designated by the Board to perform the character and background investigation. As part of this process, candidates shall be required to be fingerprinted. Such fingerprints shall be submitted to the Federal Bureau of Investigation and the Illinois State Police. The investigation may include, but not be limited to, verification of the qualification credentials such as age, citizenship, and driving records. Such investigation may also examine the

candidate's work record, criminal conviction history, educational experience, personal references and other factors relating to the candidate's background and life experience. The background investigation may also include a ride along and oral interview with the candidate.

SECTION 10- CONDITIONAL OFFERS OF EMPLOYMENT

Any Police Officer vacancy can be filled from the Final Eligibility Register. The Board shall make the appointment from among the three (3) highest ranked candidates (or if there are less than three (3) candidates, from any remaining candidates on the Final Eligibility Register).

Notwithstanding anything to contrary contained within these Rules and Regulations, the Board may, at its discretion, choose to appoint a candidate from (1) the Certified Eligible Lateral Register, or (2) any other lower-ranked candidate on the Final Eligibility Register (described in Section 8 of this Chapter III) who has been awarded a certificate attesting to his/her successful completion of the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act.

An offer of employment shall be conditioned upon the candidate submitting to and successfully passing a psychological examination and a medical examination (which may include a test of the candidate's vision and hearing, as well as a test to screen for the use of illegal drugs). The extent and scope of these psychological and medical examinations shall be determined by the Board and shall be graded on a pass/fail basis. The Board shall pay for these medical and psychological examinations. Any candidate who fails to complete and pass the psychological and the medical examinations will be notified in writing and eliminated from the current testing process.

SECTION 11 - PROBATIONARY APPOINTMENT.

- a) All vacancies in the Police Department 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.
- c) Any person whose name appears on the Final 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 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 by statute or these rules.

SECTION 12 - CERTIFICATION.

Final certification of probationary Police Officers shall be subject to successful completion of the Basic Training Course, as mandated by the State of Illinois, within the prescribed probationary period. Inability to successfully complete this course shall be grounds for dismissal.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL.

The Board, by its rules, shall provide for promotion in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where 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. Probationary police officers shall be ineligible to test for promotion during their probationary period. All candidates for promotion shall have obtained, at such time as the Notice of Promotional Testing is posted, a Bachelor's Degree from an Accredited College or University. All promotions shall be made from the three (3) individuals 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 the 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. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

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

<u>Examination</u>	<u>Weight</u>	<u>Passing Grade</u>
Written Test	55%	*
Oral Interview/Assessment Center	25%	*
Departmental Merit and Efficiency	20%	N/A

Seniority

1/2 of a point per year for each full year of service as a police officer with the Willowbrook Police Department not to exceed 5 points.

- * 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.

- b) In the event no candidate from the immediate next lower rank qualifies for promotion, the Board 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.

- c) Candidates who are otherwise qualified and have timely requested credit for prior military service, shall be granted veteran's preference points as provided by state statute.

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 Board, in whatever manner the Board deems appropriate.

SECTION 3 - PROMOTIONAL VACANCY.

Upon notice from the appropriate corporate authority 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 Department shall be as provided by ordinance and municipal budget.

SECTION 2 - CLASSIFICATION.

The Board classifies such offices in the police department 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 Department, shall take the following oath, before any person authorized to administer oaths in the State of Illinois:

"I _____, having been appointed to the office of Patrol Officer in the Village of Willowbrook in the County of DuPage, 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 of Patrol Officer according to the best of my ability.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20__.

VILLAGE CLERK."

He shall enter into such bond in such amount as prescribed by the 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) Probationary employees 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.
- 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 Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.

- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- m) 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. 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 probable cause for entertaining said complaint, the Secretary of the Board 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 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 a 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, the Board will issue subpoenas 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 the Village of Willowbrook, 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 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 submitted by an attorney, his or her 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 Police Department against whom charges have been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days, without pay, at any one time.
- b) The Chief of the Police Department shall have the right to suspend any officer under his 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 24 hours of the time of such suspension. Any police officer so suspended may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended the police officer, and to the employee 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 employee so suspended receive his pay for the period involved, may suspend the employee 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 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 65 ILCS.
- b) The Board shall, within a reasonable time after the hearing 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 a department on one of its members.

SECTION 11 - FINDINGS AND DECISION

In case any member of the Police Department shall be found guilty of the charges filed 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 employee for an additional period of not more than thirty (30) days or discharge him depending on the facts presented.

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).

SECTION 12 - RULES - CONFLICT.

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

SECTION 13 - VIOLATION OF RULES.

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

SECTION 14 - VIOLATION OF LAW.

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

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 65 ILCS, 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.

SECTION 5 - POLITICAL CONTRIBUTIONS.

No person in the Police Department of the Village of Willowbrook, 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 Police Department of the Village of Willowbrook, 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.