

**RULES AND REGULATIONS
OF THE
BOARD OF FIRE COMMISSIONERS
OF THE
WOODSTOCK FIRE PROTECTION DISTRICT
STATE OF ILLINOIS**

As adopted by the Board of Fire Commissioners of the Woodstock Fire Protection District of the State of Illinois, effective _____.

CHAPTER 1 - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY

The Board of Fire Commissioners of the Woodstock Fire Protection District derives its power and authority from the Acts of the General Assembly entitled, "Fire Protection District Act," Ill. Comp. Stat., Ch. 70, §§705/16.01-705/16.18 and "The Board of Fire and Police Commissioners Act," Ill. Comp. Stat., Ch. 65, §§5/10-2.1-1 et seq.

SECTION 2 - DEFINITIONS

The word "District" shall mean the Woodstock Fire/Rescue District. The words "Commission" and/or "Board" shall mean the Board of Fire Commissioners of the District. The word "Commissioner" shall refer to an individual member of the Board. The word "Trustee(s)" wherever used shall mean the Board of Trustees of the District. The word "Member" shall mean any person employed directly in fire suppression or emergency medical activities in a full-time sworn capacity by the District but specifically does not include part-time firefighters, dispatchers, inspectors, or clerical personnel. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural includes the singular.

SECTION 3 - OFFICERS OF THE BOARD AND THEIR DUTIES

The Board shall annually, on the first meeting in January, elect a Chairman and a Secretary. They shall hold office until their successors are duly elected and qualified. The Chairperson shall be the presiding officer at all meetings. The Secretary shall keep, or cause to be kept, the minutes of all meetings of the Commission in a permanent record book and shall be the custodian of all the forms, papers, books, records and completed examinations of the Commission, and shall perform all other duties the Commission prescribes. An Administrative Secretary may be appointed to assist the Commission by preparing all correspondence, keeping records, assisting in the testing process and performing other duties as assigned by the Commission.

SECTION 4 - DUTIES OF THE COMMISSION

The scope of the duties of the Commission shall generally include:

1. Establishing policies for recruiting, testing, selection and promotion for all members covered under its authority.
2. Establishing guidelines and procedures for hearings required for discipline, demotion and termination of members of the District covered by its authority.
3. Serving as an appeals board or hearing board for District members disciplined or terminated under guidelines established by these rules.
4. The Commission shall have such other powers and duties as are given it by the statutes of the State of Illinois.

SECTION 5 - MEETINGS

Regular Meetings

Meetings of the Commission shall be held as determined necessary by the members of the Commission. Meetings shall be held at Fire Station #1 of the Woodstock Fire/Rescue District, located at 435 E. Judd Street, Woodstock, IL 60098. Meetings shall be held in accordance with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.

Special Meetings

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.

Closed Sessions

During any regular, special meeting, or meeting for the purpose of interviewing scheduled by the Board of Trustees or the Fire Commission, a closed session may be held for any purpose permitted by law as set forth in 5 ILCS 120/2. Closed sessions may be limited to Commissioners and such invited persons as the Commission may deem necessary. The Secretary will record the motion to close the meeting, record the roll call vote of the Commissioners on said motion, and keep minutes of the closed session.

Quorum

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

Order of Business

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

- a. Call to Order
- b. Roll Call
- c. Public Comments
- d. Approval of Minutes
- e. Communications
- f. Unfinished Business
- g. New Business
- h. Adjournment

Procedure

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

SECTION 6 - FILING OF DOCUMENTS

Any document filed in the office of the Fire Chief at the Headquarters building addressed to the Commission or to the Secretary thereof shall be deemed filed with the Board.

SECTION 7 - 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 in accordance with 70 ILCS 705/16.05. Such notice shall be published in a newspaper of general

circulation within the territorial boundaries of the Woodstock Fire Protection District. 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 8 - ANNUAL REPORT AND BUDGET REQUEST

The Commission shall submit to the Board of Trustees of the District an annual report of its activities, and of the rules in force and the practical effect thereof. In its annual report, the Commission may make suggestions to the Board of Trustees which it believes would result in greater efficiency or safety in the fire department. The Commission shall also submit an annual budget request to the Board of Trustees prior to the end of the fiscal year, or at another time set by the Trustees. The budget request shall be in substantially the following form:

BUDGET REQUEST

Request is hereby made to the Board of Trustees of the Woodstock Fire/Rescue District that the following proposed operating budget be appropriated by the Board of Trustees in the Annual Budget and Appropriations Ordinance to be passed for the fiscal year _____ on behalf of the Board of Fire Commissioners of the Woodstock Fire/Rescue District.

General Administrative	\$
Legal Publications	\$
Written Examinations	\$
Other Examinations	\$
Legal Fees	\$
Dues and Conferences	\$
Salaries	\$
Contingencies	\$
TOTAL BUDGET REQUEST	\$ _____

Respectfully Submitted,

Chairperson, Board of Fire Commissioners
Woodstock Fire/Rescue District

CHAPTER 2

JOB REQUIREMENTS, APPLICATIONS AND TESTING REQUIREMENTS

SECTION 1 - GENERAL INFORMATION

Applicants for examination must comply with the current prerequisite policies and the job descriptions adopted by the District's Board of Trustees. The testing process shall be practical in character and shall relate to those matters that fairly test the applicant's capacity to perform the essential functions of the job and shall be consistent with both state and federal equal employment opportunity laws.

SECTION 2 – RESIDENCE

Each applicant for examination must be a citizen of the United States or an alien admitted for permanent residence or an alien lawfully admitted for temporary residence and who produces evidence of intention to become a citizen of the United States. Applicants must reside within the geographical limits set forth by the collective bargaining agreement no more than 12 months after date of hire and throughout employment with the District.

SECTION 3 – 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 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 the following documents:

1. A certified high school transcript or evidence of a GED equivalence diploma;
2. A copy of their college or university degree;
3. A copy of their driver's license;
4. Any military service record and discharge papers (form DD-214) if applicable;
5. A State of Illinois certification for Firefighter II or III;
6. A current State of Illinois license for Emergency Medical Technician - Paramedic (EMT-P) or a current State of Illinois license for Emergency Medical Technician - Basic with proof of completion of the classroom portion of a qualified Paramedic program;
7. Any other documents or other professional certificates required by the Commission or the Board of Trustees, or state law.

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 4 - DISQUALIFICATION

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

1. Who is found lacking in any of the established primary requirements for the service for which the candidate applies;

2. Who is physically unable to perform the essential duties of the position to which the candidate seeks appointment with or without accommodation;
3. Who is addicted to the use of intoxicating substances or is found to have taken/used drugs and/or currently uses any nonprescription controlled substances or narcotics;
4. Who has been convicted of any felony or a misdemeanor involving moral turpitude pursuant to 65 ILCS 5/10-2.1-6 of the Board of Fire and Police Commissioners Act;
5. Who has been dismissed from public service for good cause;
6. Who has attempted to practice any deception or fraud in his or her application or examination process;
7. Whose character and employment references are unsatisfactory;
8. Who may be disqualified in personal qualifications or health;
9. Fails to comply with the requirements of the application or examination process in any respect;
10. For any other lawful reason, including any other reason set forth in 65 ILCS 5/10-2.1 et seq.

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

SECTION 5 - DEFECTIVE APPLICATIONS

Defective applications may be returned to the applicant for correction at the discretion of the Commission provided the applicant has not otherwise been disqualified for the position sought. Applicants may be required to provide additional information or documentation for clarification of their application.

SECTION 6 - PHYSICAL REQUIREMENTS

Applicants for the position of Firefighter 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

Applicants must be twenty-one (21) years of age at the time their application is submitted to the Board. Applicants who have attained 35 years of age, at the time of application and at such time as the final eligibility list is posted, shall not be considered for appointment unless the applicant can demonstrate that he or she has had previous employment status as a firefighter in a regularly constituted fire department of a fire protection district. Proof of birth date will be required at time of application.

(70 ILCS 705/16.06 or 65 ILCS 5/10-2.1-6)

SECTION 8 - REVIEW OF DISQUALIFICATION

An applicant, candidate, or eligible deemed to be disqualified shall be notified by the Commission and may request reconsideration of such disqualification within ten (10) days from notification by written request filed with the Secretary of the Commission. The request for reconsideration must set forth a basis for reconsideration and the Commission may provide an opportunity to be heard to the extent as may be determined by the Commission and pursuant to whatever procedures the Commission may establish.

CHAPTER 3

EXAMINATIONS FOR 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 Commission may utilize the services of a third-party testing agency to conduct any portion or portions of such examination. 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:

1. The time and place where such examination will be held.
2. Applications will be received for at least a two-week period, which shall terminate three days before the examination.
3. The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATIONS

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.

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.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	-	Pass or Fail
Written Test	70%	*
Oral Exam (Interview)	30%	*
Physical Aptitude Test	-	Pass or Fail
Background Investigation	-	Pass or Fail
Polygraph Test	-	Pass or Fail
Psychological Examination	-	Pass or Fail
Medical Examination	-	Pass or Fail

* 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.

Note: To any person who is entitled to educational or military preference points (65 ILCS §5/10-2.1-8 and 9) whose name appears on the register of eligibles, the Board shall add five (5) points upon request of applicant. Firefighter/Paramedic preference points will be applied in accordance with state law--70 ILCS §705/16.07.

SECTION 5 - RELEASE OF LIABILITY

All applicants shall execute and deliver to the Commission a signed release of all liability as well as any other authorizations for the release of information as deemed necessary by the Commission prior to participating in the application and examination process. The form for the release of all liability and information shall be approved by the Commission.

SECTION 6 - ORDER AND WEIGHT OF EXAMINATIONS

The Commission shall determine the order and criteria for evaluating all elements of the testing process prior to administering each examination. The Commission may establish a job-related minimum passing grade in any examination. Failure to meet this or any established minimum passing grade shall disqualify candidates from further participation in the testing process. All grades shall be based upon weighing of criteria defined by the Commission. Such criteria shall be established before tests are administered. The Commission may rank the candidates; assign them a percentile, quartile, or raw score; or evaluate them as “qualified” or “not qualified” based upon performance in elements of the testing process.

SECTION 7 - ORIENTATION

An orientation will be held for all applicants and shall be considered a mandatory part of the testing process. The Commission or its agents shall explain the testing process so that the applicants are oriented regarding the position for which they apply. Applicants will receive notice of the orientation session and must attend the session. Failure to attend the session will result in disqualification.

SECTION 8 - 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 9 - 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.” Prior to participating in the physical aptitude test all applicants must submit a completed physician’s certification of safe participation form.

SECTION 10 - ORAL EXAMINATIONS

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 Examination. Questions may be asked of the Candidate that will enable the Commissioners to properly evaluate 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 or scores below the minimum passing score will be notified and eliminated from all further consideration.

SECTION 11 - INITIAL ELIGIBILITY REGISTER

1. The Commission will prepare an "Initial Eligibility Register" of the candidates successfully completing the evaluation process. The candidates will be listed in order of excellence based on their final weighted score.

This register is subject to change with the addition of the five (5) veteran or educational preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9 of the Board of Fire and Police Commissioners Act and 70 ILCS §705/16.08 (a)(b). The addition of firefighter/paramedic preference points is governed by 70 ILCS 705/16.07b.

2. A dated copy of the Initial Eligibility Register shall be sent to each person appearing thereon.

Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the initial eligibility list or such claim shall be deemed waived.

SECTION 12 - FINAL ELIGIBILITY REGISTER

The Commission will prepare a "Final Eligibility Register" which shall include claimed military veteran, cadet and /or firefighter/paramedic preference points.

1. Where an applicant has properly requested veterans' preference, the Commission shall add the number of points to the applicant's score and adjust the Eligibility Register to reflect the addition of veterans' preference points. In the event that the resulting score equals that of another applicant, the veteran will be placed on the list immediately above the applicant with the same score.
2. Where an applicant has properly requested experience points, the Commission shall add the number of points to the applicant's score and, starting from the bottom of the List, shall adjust it as follows:
 - a. Provided the number of experience points awarded would not cause the applicant to pass a veteran on the Eligibility List, the Commission shall award the points;
 - b. 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.

A dated copy of the final 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 and applicants shall be appointed from the Eligibility List in descending order.

Appointment from this Final Eligibility Register is subject to satisfactorily passing a Background Investigation and a thorough Medical Examination which may include a test of the applicant's vision, hearing, for the presence of communicable diseases, as well as a test to screen for the use of drugs and/or narcotics. The Board may require applicants to successfully pass an In-depth Psychological Examination and Polygraph Test.

SECTION 13 - PROBATIONARY APPOINTMENT

1. All vacancies to the Fire 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. Notwithstanding anything to the contrary within these rules, the Board of Fire Commissioners may appoint a candidate, who is licensed as an EMT-B, EMT-I, or an EMT-P under the Emergency Medical Services (EMS) Act, ahead of a non-licensed candidate.
2. All original appointments as a firefighter/paramedic shall be for a probationary period not to exceed twelve (12) months from original date of appointment. Fire Fighters who are also required to serve as paramedics may have their initial probationary period extended for the sole purpose of completing all necessary requirements to be licensed as a paramedic.
3. 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.
4. Probationary employees may be summarily dismissed by the Fire Chief and are not entitled to the protection afforded to other full-time firefighters or firefighter/paramedics by statute or these rules. If a probationary firefighter has had his or her probationary period extended for the purpose of obtaining a paramedic license, he or she can only be summarily dismissed during the extended probationary period for failing to complete the required paramedic training program(s).

SECTION 14 - CERTIFICATION

Final certification of probationary firefighters/paramedics shall be subject to successful completion of all course work necessary to be certified as a paramedic, within the prescribed probationary period. Inability to successfully complete these courses shall be grounds for dismissal.

SECTION 15 - NOTIFICATION OF CANDIDATES

Each candidate completing the testing process will be notified within a reasonable time as to his/her ranking. In the event that the candidate achieves a numerical score that would place him or her in the "not qualified" category, that person shall receive notice stating that he/she has failed to achieve an aggregate passing score and will not be placed on the eligibility list.

SECTION 16 - RECONSIDERATION OF EXAMINATION GRADE

After receiving notice of placement in the examination process or failure to pass the examination, a candidate may request reconsideration by the Commission by written notice to the Secretary within ten (10) days of notice. No alteration of the eligibility list resulting from such appeal shall affect the status of any person who has in the meantime been appointed to any position from such eligibility list. The Commission shall make available such information from the testing process as it deems necessary in justifying its evaluation of the candidate, including the criteria used to evaluate test scores. The Commission shall reserve the right to amend any final rating of candidates as a result of consideration.

SECTION 17 - RELEASE OF INFORMATION

Information regarding specific elements of the testing process for any candidate shall be deemed to be confidential and shall not be released to a third party without written approval of the candidate.

SECTION 18 - RETENTION OF RECORDS

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

SECTION 19 - CHANGE OF ADDRESS

It shall be the duty of each applicant for appointment to register in writing any change of address or telephone number with the Commission. Failure to properly notify the Commission of any change shall be considered sufficient grounds to strike the name of the applicant from the Eligibility Register. Notices of any nature issued by the Commission shall be deemed served if mailed to the person at the last registered address of such person. Failure to respond to notice so mailed by the Commission, within a period of ten (10) days, shall authorize the Commission in its discretion to remove the name of such person from the list of eligible candidates or from the list of applicants.

CHAPTER 4

APPOINTMENT AND WAIVER OF APPOINTMENT

SECTION 1 - FILLING OF VACANCIES

Whenever a vacancy exists in a position subject to the jurisdiction of the Commission, the Board of Trustees shall so notify the Commission. The Commission shall, after considering the qualifications of the candidates on the entry or promotional eligibility lists, appoint the most qualified candidate from the list to fill the vacancy. All original appointments shall be made from the Final Eligibility Register in accordance with state law, provided they have satisfied all requirements established by the Commission.

SECTION 2 - ACCEPTANCE OF APPOINTMENT

An eligible candidate who has received a conditional offer of employment shall notify the Commission in writing of his/her intent to accept the conditional offer within five (5) business days of receipt of the offer. An eligible candidate who refuses an offer of appointment or fails to accept within five (5) business days shall be stricken from the eligibility list.

SECTION 3 - BACKGROUND INVESTIGATION

Prior to appointment, the Commission shall also require that an in-depth background investigation be completed for all positions in the District for which it has jurisdiction. Such investigation shall examine the candidate's work record, criminal conviction history, educational experience and other factors of background and life experience which shall be reasonably related to the requirements of the position. This portion of the application process will be graded on a pass/fail basis.

SECTION 4 - MEDICAL EXAMINATIONS

Candidates who are eligible for original appointment shall be required to submit to medical examinations, after the initial offer to hire, by physicians selected by the District (which may include psychological and comprehensive drug evaluations) that shall be paid for by the District. The extent and scope of the examinations shall be determined by the Commission, and shall be graded on a pass/fail basis.

SECTION 5 - PSYCHOLOGICAL EXAMINATION

Each applicant for original appointment may be required to a Psychological Examination by such psychologist or psychiatrist as the Board 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.

SECTION 6 – POLYGRAPH TEST

Any applicant for original appointment 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. 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.

SECTION 7 – FINGERPRINTS

At the time an applicant receives a conditional offer of employment he/she must be fingerprinted as directed by the District.

CHAPTER 5

PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL

The Board, by its rules, shall provide for promotion in the Fire Department 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 when notified by the Board of Trustees. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. Promotions shall be conducted in accordance with the provisions of the Fire Department Promotional Act (50 ILCS 742). Except where expressly modified by the terms of the Collective Bargaining Agreement, the procedure for promotions shall be made in accordance with the provisions of the Act. Promotional applicants must meet the qualifying standards established by the Commission in order to be considered for certification to an eligibility list.

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

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.

The final Promotional Examination score shall be determined as follows:

<u>Examination</u>	<u>Weight</u>
Written Test	40
Oral Exam (Interview)	10
Ascertained Merit	15
Seniority	10
Chief's Points	10
Tactical Simulation and/or Assessment Center	15

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 fire service 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 – TEST COMPONENTS

Seniority Points

Candidates for promotion shall be awarded .50 points for each year of service with the District as a part-time employee. Candidates for promotion shall be awarded 1.0 point for each year of service with the District as a full-time employee. Credit is granted for full years of service, with the transition year from part-time to full-time being pro-rated based on number of months in each capacity. These points are to be calculated based on the date of the written exam. A maximum of 10 points is granted to eligible employees based on complete years of service.

A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Ascertained Merit

Candidates shall receive a maximum of fifteen (15) points for certifications earned towards their Fire Officer I certificate or Associate Degree in Fire Science Technology or Management, and for a Bachelor's Degree in Fire Science or Management as follows: Candidates shall receive one (1) point for each of five (5) classes attended toward completion of the Fire Officer I certificate for which a passing grade was received. Candidates shall receive five (5) points for completion of an Associate Degree in Fire Science Technology or Management or candidates shall receive ten (10) points for a Bachelor's Degree in Fire Science or Management. Candidates will also receive credit for non-fire service degree programs and/or college classes taken outside of degree programs (or for degree programs that the candidate has not yet completed) at a rate of .05 points per credit hour.

SECTION 3 – VETERAN PREFERENCE POINTS

A candidate may file for veteran preference points with the Commission after the initial list is posted. The Commission shall award veteran's preference points to those eligible veterans claiming the credit in accordance with 70 ILCS 705/16.08a. Veteran preference points may be applied at the rate of seven tenths of one percent (0.7%) for six months of active military service or fraction thereof, to a maximum of thirty (30) months. The candidate must submit a request in writing to the Commission requesting veteran preference points and this request must include proof that they are entitled to those points. A candidate must have received an honorable discharge from his/her military service to apply for veteran preference points. Forms for claiming preference points shall be available from the Fire Chief. Candidates who are eligible for preference points shall make a claim in writing with proof thereof within ten (10) days after the date of the initial eligibility list or such claim shall be deemed waived.

SECTION 4 - 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 military veteran 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 5 – SELECTION

All candidates who obtain an overall score of seventy percent (70%), prior to the addition of any Veteran preference points, shall be placed on an eligibility roster in the rank order of their total score, including Veteran preference points. Whenever a promotional rank is created or becomes vacant, the Commission shall appoint to that position the person with the highest ranking on the final promotion list for that rank, except that the Commission shall have the right to pass over that person and appoint the next highest ranked person on the list if the Commission has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the Commission shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remediable, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once.

SECTION 6 - VOLUNTARY REASSIGNMENT

Any officer may petition the Chief for reassignment to a lower rank. Upon approval of the Chief, the officer will be reassigned to the lower rank, and simultaneously therewith the Commission will promote another

employee to the position held by the officer requesting reassignment as long as the Board of Trustees determines the position is open.

CHAPTER 6

STANDARDS OF CONDUCT AND OATH

SECTION 1 - RULES

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

SECTION 2 - OATH OF OFFICE

Before beginning duty, all persons that are about to enter employment with the District or accept a promotion within the District shall take an oath before any person authorized to administer oaths in the State of Illinois, in substantially similar form as follows:

OATH OF OFFICE

“I _____, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Illinois, and the rules and regulations of the Woodstock Fire/Rescue District and that I will faithfully discharge the duties of the Office of _____ according to the best of my ability.”

Signed _____, subscribed and sworn to before me this

_____ day of, A.D., 20_____.

CHAPTER 7

HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGE

SECTION 1 – HEARING OF CHARGES

1. Hearings before the Commission are not common law proceedings. The provisions of the Illinois “Code of Civil Procedure” shall not be binding on the Commission, but may be referred to in guiding the Commission in its proceedings. The Commission shall determine any special rules for conducting the hearing.
2. “Counsel” as used herein means one who has been admitted to the bar as an attorney at law in the State of Illinois.
3. No rehearing, consideration, modification, vacation or alteration of a decision of the Commission will be allowed.
4. "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.

5. The burden of proof at any proceedings which call for a hearing before the Board shall be by a preponderance of the evidence. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.
6. 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.
7. Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time firefighter/paramedics by statute or these rules.
8. All hearings shall be conducted in accordance with the Open Meetings Act.
9. At the time and place of hearing, parties may be represented by legal counsel if they so desire.
10. All proceedings before the Commission during the conduct of a hearing shall be recorded by a court reporter to be employed by the Commission.
11. The records of all hearings will not be transcribed by the reporter unless requested by the Commission or any party of interest. When a party of interest requests that a transcribed record be kept, the party of interest shall pay for the cost of transcription and record preparation.

12. All witnesses shall be sworn in by a member of the Commission or the court reporter prior to testifying. All matters will be decided by the Commission upon evidence presented at the hearings.
13. The Commission will first hear the witnesses substantiating the charges which have been made against the respondent. Thereafter the respondent may present and examine those witnesses whom he/she desires the Commission to hear. Both parties shall have the right of rebuttal. All parties shall have the right to cross-examine witnesses presented by the opposite party.
14. The Commissioner's Attorney shall serve as Counsel to the Commission.

SECTION 2 – HEARING PROCEDEURE

1. **COMPLAINTS:** In all cases, written complaints shall be filed in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based.
2. **PROBABLE CAUSE:** The Boards 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.
3. **NOTIFICATION OF HEARING:** Upon the filing of a complaint in quintuplicate 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 district 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.
4. **CONTINUANCES:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
5. **STIPULATIONS:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidentiary 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.

6. **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

1. 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.
2. 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 435 E. Judd St., Woodstock, 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

1. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
2. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
3. All papers shall be not larger than 8-1/2" by 11" with inside margins of not less than one inch.
4. 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 to the opposing party or his counsel.
5. 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 only on the business days, Monday through Friday, excluding holidays recognized by the District, except as provided in Section 10.

SECTION 8 - SUSPENSION

1. The Board may suspend any member of the Fire 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.
2. The Chief of the Fire 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 five (5) calendar days of the time of such suspension. Any fireman so suspended may appeal to the Board for a review of the suspension within five (5) calendar days after such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended the firefighter, and to the firefighter so suspended.
3. Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the firefighter so suspended receive his pay for the period involved, may suspend the firefighter 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 Department shall be in compliance with the Fire Protection District Act, Ill. Comp. Stat., Ch. 70, Sec. 16.13b.

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 - FINDING AND ORDER

In case any member of the Fire 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. The finding 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 individual involved and the department head for enforcement. If the finding or decision is that an 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 Chapter 7).

SECTION 12 - RULES - CONFLICT

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

SECTION 13 - POLITICAL CONTRIBUTIONS

No person in the Fire Department of the Woodstock Fire Protection District 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 of the Woodstock Fire Protection District, 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 to do so, 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 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 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 state or federal law, by any member of the Fire Department may be cause for the filing of charges against said firefighter, except as herein otherwise provided.

CHAPTER 8 GENERAL

SECTION 1

All members of the Fire Department shall observe and obey all rules and orders of the Board which are in force or which may be adopted hereafter as well as all Regulations for the operation of a Fire Department as adopted by the Board of Trustees and in force or which may be adopted hereafter.

SECTION 2

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 3

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 4

Leaves of Absence shall be granted by reason of military service or duty-related disability as specified in Illinois Compiled Statutes, Chapter 70, § 705/16.16a. 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.

Adopted this ____ day of _____, 2007.

AYES : _____
NAYES : _____
ABSENT : _____

APPROVED:

Chairman

Secretary