

RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE VILLAGE OF MOUNT PROSPECT,  
COUNTY OF COOK, STATE OF ILLINOIS

As Amended: May, 2022

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 COMMISSIONERS OF THE VILLAGE OF MOUNT PROSPECT,  
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RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE  
COMMISSIONERS OF THE VILLAGE OF MOUNT PROSPECT,  
COUNTY OF COOK, STATE OF ILLINOIS

Adopted by the President and Board of Trustees of the Village of Mount Prospect, Cook County, Illinois on May 16, 2017.

CHAPTER 1:            ADMINISTRATION

Section 1:            Source of Authority

The Board of Fire and Police Commissioners of the Village of Mount Prospect derives its power and authority from the President and Board of Trustees of the Village of Mount Prospect acting pursuant to its home rule powers, particularly from but not limited to Chapter 5, Article III of the Mount Prospect Village Code. The sole authority to determine whether a person meets any criterion or standard set forth in these Rules and Regulations shall be vested in the Board of Fire and Police Commissioners.

Section 2:            Construing these Rules and Regulations

- A. The word "Board" shall mean the Board of Fire and Police Commissioners of the Village of Mount Prospect.
- B. The word "Officer" shall mean any individual holding a permanent office as a full time sworn member of the Fire and Police Departments of the Village of Mount Prospect as described under the provisions of the Code of Ordinances of the Village of Mount Prospect, Cook County, Illinois, as amended. It shall include probationary members, except when otherwise specified.
- C. Any time reference is made to the Police or Fire Chief, that term shall include any person duly acting in place of the Police or Fire Chief.
- D. The word "firefighter" shall mean firefighter/paramedic.
- E. The word "Village" shall mean Village of Mount Prospect.
- F. "Corporate Authorities" shall mean the President and Board of Trustees of the Village of Mount Prospect.
- G. "Village Code" shall mean the Village of Mount Prospect Code.

Section 3:                    Officers of the Board

The Village President shall annually appoint a chairperson. The chairperson shall be the presiding officer at all meetings. The chairperson shall hold office for one full year and until a successor is duly appointed and qualified. The Village Manager shall appoint a Village employee to act as the recording secretary to the Board. The recording secretary shall keep or cause to be kept the minutes of all meetings of the Board in a permanent record book and shall be the custodian of all forms, papers, books, records and completed examinations of the Board.

Section 4:                    Duties of the Board

The Board shall, in accordance with these Rules and Regulations, appoint all officers of the Fire and Police Departments of the Village through and including:

1.     Police Department: Sergeant
2.     Fire Department: Lieutenant

The Board shall conduct competitive examinations for original appointment and promotion in accordance with these Rules and Regulations and the Board shall conduct all required hearings on charges of a disciplinary nature against an officer. No examination required under these Rules and Regulations may take into consideration, nor may any candidate be examined concerning, a candidate's political or religious opinions.

Section 5:                    Meetings

- A.     Regular meetings shall be held monthly, scheduled at the mutual convenience of the Board members. Notice shall be posted and meetings shall be open to the public.
- B.     Special meetings shall be open. Notice of a special meeting shall be posted forty-eight (48) hours prior to convening. A meeting may be called by the filing of a notice, in writing, with the recording secretary and signed either by the chairperson of the Board or, in the event of the absence of the chairperson, a member of the Board. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings. It shall set forth the time and place of such special meeting. 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. No closed session may be held at a special meeting unless the closed session is noted on the agenda. 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 and keep minutes of the closed session. Closed sessions shall be taped, audibly or visually, with said tapes being maintained for a period not less than 18 months.

- D. Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, §120/1-120/5.

Section 6:                    Quorum

A majority of the then existing membership of the Board shall constitute a quorum for the transaction of business at any regular or special meeting.

Section 7:                    Order of Business

The order of business at any meeting shall typically be as follows:

- I. Approval of the minutes
- II. Citizens to be heard
- III. Police Department Update
- IV. Fire Department Update
- V. Closed Session
- VI. Old Business
- VII. New Business
- VIII. Adjournment

Section 8:                    Rules of Procedure

The chairperson shall decide all questions of order and rule on matters not specifically provided for by these Rules and Regulations. The Board shall be guided by parliamentary law as prescribed in "Roberts Rules of Order, Newly Revised", unless in conflict with these Rules and Regulations.

Section 9:                    Motions

Motions may be made orally by any member of the Board and shall be recorded in the minutes together with the action taken on the motion.

Section 10:                    Amendments

Any amendment to these Rules and Regulations must be approved by the Corporate Authorities. All such amendments shall be printed for

distribution and published in the manner provided by the Corporate Authorities for the publication of ordinances.

Section 11:            Annual Summary

The Chairperson of the Board shall present annually its State of the Board of Fire and Police Commissioners address at a regularly scheduled Village Board meeting.

## **CHAPTER 2:           HIRING OF NEW SWORN PERSONNEL**

### **Section 1:               Original Appointments – Police Department**

#### **A.       Exclusive Method of Appointment**

Original appointments to the Police Department (“Police Department”) shall be made only as set forth in these Rules and Regulations.

- B.       Applications, General.** All applications required by this Chapter 2 shall be typed or hand printed and signed by the applicant. Any applicant making false statements in any application shall be rejected by the Board. Further, the Board may, at any time, remove any person hired to a position in the Police Department upon learning that false statements have been made or that material facts have been misrepresented or omitted. An applicant must notify the Board, in writing, of any change in status from the time the application is submitted until appointment. Notice of matters involving testing or appointment may be made by regular mail or e-mail. If an applicant does not duly respond to the notice, that applicant may be eliminated from further consideration.

Defective applications shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought. The corrected application must be received by the Board prior to the original deadline date.

#### **C.       Application**

All applicants shall complete a pre-application. These applications may be obtained from the police department, other remote locations, or downloaded from the Village Website. The filing of such application shall be a verification that the applicant possesses the qualifications for the position and is not disqualified as set forth in (D) below. The applicant shall file this pre-application with the Board by the established deadline.

#### **D.       Disqualification**

The Board may, subject to the Americans with Disabilities Act, refuse to examine or, after examination, to certify as eligible, any applicant whom the Board reasonably determines:

1.       to be incapable of performing the physical tasks required of the position to which the applicant seeks appointment;

2. to be a person who is currently misusing or abusing intoxicating beverages or prescription drugs;
3. to have been a user of any illegal drug or narcotic, other than Cannabis Sativa, as defined in Illinois Compiled Statutes Ch. 720, Sec. 570 et seq., and not legally prescribed by a physician within the past three years;
4. to have been a user of Cannabis Sativa in the past twelve (12) months;
5. to be addicted to the use of intoxicating beverages or drugs and not in a certified program of recovery or be able to prove a current status of recovery from the addiction;
6. To be a habitual gambler;
7. to have been found guilty of a felony or any of the following misdemeanors:

The following references are to Illinois Compiled Statutes, Ch. 720, and shall include any similar offenses as defined by other jurisdictions.

- a. criminal sexual abuse as defined in Section 11-1.50;
- b. indecent solicitation as defined in Section 11-6;
- c. public indecency as defined in Section 11-9;
- d. prostitution as defined in Section 11-14;
- e. promoting prostitution as defined in Section 11-14.3;
- f. soliciting a prostitute as defined in Section 11-15;
- g. keeping a place of prostitution as defined in Section 11-17;
- h. patronizing a prostitute as defined in Section 11-18;
- i. pimping as defined in Section 11-19;
- j. public indecency as defined in Section 11-30;
- k. adultery as defined in Section 11-35;
- l. aggravated assault as defined in Section 12-2;
- m. intimidation as defined in Section 12-6;
- n. eavesdropping as defined in Section 14-4;
- o. theft as defined in Section 16-1;
- p. retail theft as defined in Article 16A;
- q. deceptive practices as defined in Article 17;
- r. unlawful use of weapons, as defined in Section 24-1(a) (1), (6) and (8)
- s. unlawful sale of firearms as defined in Section 24-3;



- t. unlawful possession of firearms and ammunition as defined in Section 24-3.1;
  - u. defacing firearm identification marks as defined in Section 24-5;
  - v. mob action as defined in Section 25-1;
  - w. keeping a gambling place as defined in Section 28-3;
  - x. bribery as defined in Article 29;
  - y. resisting or obstructing a peace officer as defined in Section 31-1;
  - z. obstructing justice as defined in Section 31-4;
  - aa. escape or failure to report for periodic incarceration as defined in Section 31-6;
  - bb. aiding escape as defined in Section 31-7;
  - cc. interference with judicial proceedings as defined in Section 32-1, -2, -3, -4, -8;
  - dd. battery in Section 12-3;
  - ee. domestic battery in Section 12-3.1.
8. to have been dismissed for cause, from any public service position;
  9. to have character or employment references which are deemed to be unsatisfactory;
  10. to have failed to satisfy any step in the test process including, whenever applicable, failure to attend a Mandatory Applicant Orientation meeting;
  11. to have failed to fulfill any of the requirements for applicants which are set forth in these Rules and Regulations;
  12. to not possess a valid driver's license at any stage of the selection procedure.
  13. to have been classified by the local Selective Service Draft Board as a conscientious objector, or who has ever been so classified;
  14. to, in the reasonable opinion of the Board, be otherwise unqualified for service in the Police Department;
  15. to have been dishonorably discharged from military service;
  16. to have knowingly received test information in advance of an examination.

Any disqualified applicant shall be notified by the Board of such disqualification. The applicant may request in writing that the Board review its decision to disqualify stating the reasons why such review is appropriate. The Board need not conduct a hearing on such request, but shall respond, in writing, within a reasonable time.

E. Age Requirements

1. All applicants must have attained the age of twenty-one (21) years, but not more than thirty-five (35) years of age at the time of the application deadline.

Applicants who are US military veterans shall be allowed to exceed the maximum age limitation of this provision by the number of years of active military service, but by no more than ten (10) years of active military service.

The age limitation of this provision does not apply to any applicant previously employed as a police officer in a regularly constituted police department of any municipality, regardless if the municipality is located in Illinois or another state, to any applicant who has served as a sworn officer as a member of the Illinois Department of State Police, or to any applicant who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements of a police officer.

Applicants who have served as an auxiliary police officer under 65 ILCS 5/3.1-30-20 for at least five (5) years and are under the age of forty (40) years of age prior to the application deadline shall be permitted to apply for a position as Police Officer.

2. If a person is placed on an eligibility list and becomes over age before he or she is appointed to the Police Department, the person remains eligible for appointment until the list expires or is exhausted. Otherwise, no person who has attained the age of thirty-six (36) years shall be inducted as a member of the Police Department, except as indicated in paragraph 1 above.

F. Physical Ability Test Completion

The applicant shall submit proof of successful completion of a physical ability test by presenting a valid certificate card obtained within the six months prior to the application deadline. The Board

reserves the right to designate the preferred administrators of the physical ability test.

G. Education

1. Applicants for original appointment to the Police Department must possess a high school diploma or its equivalent as recognized by an appropriate state authority and not less than sixty (60) college semester hours or its equivalent as stated below. For purposes of original employment, the following shall be deemed to be the equivalent of the number of college credits set forth:

a. Thirty (30) college equivalency semester hours for each full twelve (12) months of non-disability service as a police officer with another full time, officially constituted and sanctioned Police Department in the United States.

b. Thirty (30) college equivalency semester hours for each full twelve (12) consecutive months of active military duty for the United States. This shall not apply to persons who were not honorably discharged or who were convicted by court martial or other legal process for disobedience of orders or crimes in the military which are the substantive equivalent of the crimes set forth under Chapter 2, Section 1(D) of these Rules and Regulations.

c. Ten (10) hours of college equivalency credits for each full twelve (12) months of employment by the Village of Mount Prospect Police Department as a community service officer up to a maximum of twenty (20) hours.

d. Thirty (30) college equivalency semester hours for demonstrating fluency in any language prevalent in the Mount Prospect Police Service area, other than English, as determined by the most recent U.S. Census Bureau statistics. Fluency shall mean a clearly demonstrated ability to read, speak and understand the language. The Board shall be the sole judge of whether a language is prevalent in the Mount Prospect Service Area and whether fluency has been clearly demonstrated. The Board may retain a testing agency to advise as to specific language prevalence and for standards and evaluation of fluency.

Section 2:                    Examinations – Original Appointments – Police Department

A.     Release of Liability

All applicants shall execute and deliver to the Board, a release in favor of the Village of Mount Prospect, and each of its officers, agents and employees, relative to all liability, loss, damage or expense that may arise as a result of or in connection with the applicant's participation in the examination procedure. The release shall be in a form prescribed by the Board.

B.     Notice of Examination

1.     Examinations shall be held on the dates fixed by the Board. Notice of the time, place, general scope, merit criteria for any subjective component, and fee of every examination shall be given by the Board by a publication at least 2 weeks preceding the examination: (i) in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village; or (ii) on the Village's internet website. Additional notice of an examination may be given by the Board.
2.     Examinations may be postponed, however, by order of the Board or its designee. The order shall state the reason for such postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for the examination.
3.     Unless otherwise specifically provided, any notice required by this Chapter may be by personal service, U.S. regular mail, or email.

C.     Examinations

The Board shall call for examinations to fill existing or prospective vacancies in the Police Department. The Board shall determine:

1.     The time and place where such examination will be held.
2.     The location where applications may be obtained and the date by which applications must be returned to the Board.
3.     The position to be filled from the resulting Eligibility List.

4. Each candidate shall submit to fingerprinting and photographing by the Police Department. This may be done at such point in the process as may be determined by the Chief of Police.

D. Examination Process

1. Process Summary. The process from recruitment to appointment shall generally be as follows:
  - a. Application for written examination
  - b. Attendance at Mandatory Orientation with All Required Documentation Submitted by Application Deadline
  - c. Written Examination
  - d. Formal Application by Those Passing Written Examination
  - e. Oral Interviews For Those Who Have Passed Written Examination
  - f. Establishment of Eligibility List (those who have passed Oral Interviews)
  - g. Conditional Offer of Appointment by Police Chief
  - h. Testing Pursuant to Conditional Offer of Appointment
  - i. Appointment by Board

Any phase for which a passing score is not established or which is not designated as pass/fail, may be applied by the Board in any manner which it, in its sole discretion, deems appropriate.

2. Preference Points. No preference points shall be awarded for entry into the Police Department or for promotion to Police Sergeant.

3. Rolling List

Each of the Lists from the various phases (Written Exam, Oral Interview and Eligibility List) shall remain in effect until such time as the Board may establish new testing procedures or a new scoring methodology. So long as the testing and scoring remain substantially the same, the existing lists shall be supplemented from time to time by the names of new candidates who have passed the examination phases.

Notwithstanding any other criteria or requirements of this Chapter 2, the Board shall at all times retain the sole authority to establish the number of police applicants to proceed from one phase of the examination to the next.

E. Phases of Testing

1. Orientation Phase. This may include a written test tutorial, a preliminary Physical Aptitude Test or other Physical Ability Test and information specific to the current testing protocols.

2. Written Examinations Phase

a. Information. Information as to the type of written examination employed by the Board will be provided as part of the Orientation program.

b. Property of Board. All examination papers shall be and remain the property of the Board. The grading by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

c. Outside Vendor. The Board may select an outside vendor to administer the written test. In such an instance, the vendor shall consult with the Police Chief. Final approval of the written test shall rest with the Board.

d. Scoring. Candidates who have a final written test aggregate score of less than 80 shall be eliminated from further consideration. However, under no circumstances shall a score of 80 or higher guarantee an applicant for the advancement in the testing process.

e. Proceeding to Next Phase. All persons who have not been eliminated after the written examination shall be so notified, by regular mail or e-mail. The Board shall then select, in order of scores achieved on the written test, the candidates who may proceed to the Oral Interview Phase. Those who wish to proceed must file a Formal Application with the Board by the established deadline.

Irrespective of any other standard, the Board will have the discretion to invite to the Oral Interview all candidates who are previously certified sworn police officers in any municipality or another state; all candidates who are previously certified sworn officers who are members of the Illinois Department of State police; and all candidates who are previously sworn deputies under Section 3-6008 of the Counties Code who meet the minimum training requirements of a Peace Officer as established by the Illinois Law Enforcement Training and Standards Board so long as the

previously certified candidates have scored 80 or above on the written test. Such invited candidates will be added to the initial number of oral interviews authorized by the Board.

3. Oral Interview Phase

a. Oral Interview List

The Board shall establish an Oral Interview List based on passing the written examination and timely filing of the Formal Application. Upon establishment of this list, the Board shall, upon request of the Chief of Police, notify a certain number of candidates of a date and time for an Oral Interview. The candidates to be interviewed shall be chosen by rank order on the list. The number of candidates to be interviewed shall be determined by the Board. If the number to be interviewed breaks at a tie score, all those achieving that score on the written examination shall be interviewed.

b. Oral Interview Procedure

The Oral Interview shall be conducted by an Interview Panel. The Interview Panel will consist of the Board and two (2) individuals appointed by the Police Chief. At least one (1) Board member must participate along with the appointed individuals. Each member of the Interview Panel will have equal voting privileges. The Board member(s) will select the chairperson for the Interview Panel, which shall be a Board member. Questions shall be asked of the candidates that will enable the Interview Panel to properly evaluate and score the candidates on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skills and any other traits deemed appropriate for the position. Prior to the final scoring, the Interview Panel will discuss each candidate's demonstrated ability and overall fitness. Each member of the Interview Panel will provide his/her scores to the Interview Panel chairperson.

c. Scoring

The Oral Interview shall be scored on 0 to 100 scale. The method of scoring shall be determined prior to the commencement of the Oral Interviews.

d. Updating Oral Interview List.

The Oral Interview List shall be updated by striking the names of those who have (a) failed to have a score of 80 or above after combining the Oral Interview score with the Written Examination score as set forth in 4(a) below; or (b) have been moved to the Eligibility List.

4. Establishment of the Eligibility List

a. Establishment of Eligibility List.

Upon the scoring of the Oral Interviews, the Board shall establish an Eligibility List. This List shall consist of those achieving a score of 80 or above when the Oral Interview score is combined with the Written Examination score according to the following formula:

$$\frac{\text{Written Examination Score}}{2} + \frac{\text{Oral Interview Score}}{2} = \text{Eligibility List Score}$$

Under no circumstances shall a score of 80 or above guarantee a Conditional Offer of Appointment. Ties shall go to the candidate whose Oral Interview score is higher.

b. Succession of Eligibility Lists

When the first Eligibility List is exhausted, the Board will determine the number of succeeding candidates from the Oral Interview List to be called for Oral Interviews as established under the Oral Interview Phase of this Section. A succeeding Eligibility List will be established as described in paragraph (a) above. The top candidate on the succeeding Eligibility List will be numbered in the next order after the last candidate's ranking on the previous Eligibility List (i.e. Eligibility List I with 8 candidates is exhausted, the top ranked candidate on Eligibility List II will be ranked 9<sup>th</sup>).

Successive Eligibility Lists will be established until either condition established in paragraph (c) below is met.

c. Duration of Eligibility Lists

1. Eligibility Lists shall remain in effect until one of the following events occur: (1) two years have passed from the date of posting of the first



Eligibility List established from the first group of candidates called for Oral Interviews, or (2) all candidates on the Oral Interview List and all succeeding Eligibility Lists have been exhausted, whichever comes first.

2. The Board may extend the life of an Eligibility List beyond two years upon majority vote at the Board meeting prior to the scheduled termination date. The date of expiration of the extension will be announced upon adoption.

d. Making a Conditional Offer of Appointment.

The Chief of Police, upon notice to the Chairperson of the Board, may make a conditional Offer of Appointment to any of the current top four (4) candidates on the Eligibility List. When fewer than four (4) names remain on the list, all of that number shall be eligible for a Conditional Offer. If there is more than one opening to be filled, the Chief may choose from the number of candidates at the top of the list that is three (3) more than the number of openings to be filled. (Example: if three (3) openings are to be filled, the Chief may choose from the top six (6) names; if six (6) are to be filled, the Chief may choose from the top nine (9) names).

The Police Chief, at his or her discretion, may choose to issue a Conditional Offer of Appointment for a police officer position to a candidate who has been awarded a certificate attesting to his or her successful completion of the Minimum Standards for the Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants, regardless of the certified applicant's position on the Eligibility List.

e. Additional Testing for Those Who Have Been Made a Conditional Offer of Appointment.

1. Background Investigation

The candidate shall provide a signed waiver for access to such records as may be required by the Board to conduct a thorough background investigation in order to determine the candidate's eligibility for appointment.

The background investigation may consist of a number of elements, including, but not limited to, a background

interview conducted by a designated investigator; relevant credit, reference, criminal history and employer checks and a panel interview with department members.

2. Physical Aptitude Test

After a conditional offer of employment, police officer candidates must take and pass a Physical Aptitude Test as selected by the Board.

3. Psychological Evaluation

After a conditional offer of employment, each candidate shall submit to a psychological evaluation by a clinical psychologist selected by the Board and licensed by the State of Illinois. The psychologist conducting the evaluation shall have received training to understand the specific needs of the Police Department. The Board shall have the sole authority to determine whether or not the results of the Psychological Evaluation disqualify candidate from employment by the Police Department.

4. Polygraph Examination

After a conditional offer of employment, each applicant shall be required to submit to a polygraph examination. The examination shall be conducted by a testing service, licensed by the State of Illinois, and selected by the Board. The Board shall have the sole authority to determine whether or not the results of the Polygraph Examination disqualify a candidate from employment by the Police Department.

5. Medical Examination

After a conditional offer of employment, each candidate shall be required to submit to a medical examination by a licensed physician appointed by the Board. This shall include, among other tests, a vision exam that verifies that the candidate's vision is or has been corrected to 20/40 in the poorer eye and 20/25 in the better eye; as well as proper color and peripheral vision. If the uncorrected vision is worse than 20/200, an ophthalmologist report will be required, prior to hire, to certify the condition of the retina, the applicant's ability to function as a police officer despite the condition and that the applicant understands the potential harm from the rigors of police work. The Board shall have the sole

authority to determine whether or not the results of the Medical Examination disqualify a candidate from employment by the Police Department.

d. Updating the Conditional Offer List

The Conditional Offer List shall be updated by striking the names of those who (1) have been issued a Conditional Offer of Appointment; or (2) failed the Physical Aptitude Test, the Psychological Evaluation, Polygraph Examination or the Medical Examination.

I. Appointment of Probationary Members ; Declination Phase

1. Appointment

a. All original appointees to the Police Department shall be selected on a probationary basis from those who have received Conditional Offers of Appointment and have passed all the subsequent testing procedures.

2. Declination

Any candidate eligible for probationary appointment may, without removal from the Eligibility List, on one occasion decline an appointment tendered upon giving reasons in writing satisfactory to the Board. If the reasons given are not reasonably satisfactory to the Board or if no reason is given and the candidate does not accept appointment within seven (7) days after it is tendered, then his or her name shall be removed from the Eligibility List. A second declination or failure to accept shall result in automatic removal from the Eligibility List, except if he/she is on active military duty.

J. Probationary Terms

1. Each police appointee shall be on probationary status from the date the appointee begins employment with the Police Department as a Police Officer and continue for a period of two (2) years from the date of the appointee's status verification as provided in Section K of this Chapter.

2. The probationary term shall exclude periods of training, or injury or illness leaves, including duty related leave, in excess of 10 cumulative calendar days.

K. Completion of Training Program for Probationary Employees

Verification of Probationary Police Officer status shall be made by the Board upon an appointee's successful completion of the basic recruit training program and certification by the Illinois Law Enforcement Training and Standards Board. The failure of an applicant to successfully complete the basic training program and to be certified by the Illinois Law Enforcement Training and Standards Board within six (6) months of the original appointment shall be grounds for dismissal. Extenuating circumstances may be reviewed by the Chief of Police and reported to and reviewed for action by the Board.

L. Possession of Valid Drivers License; Obtaining of Illinois License

Each candidate must possess a valid driver's license at the time of application. If at the time of appointment the candidate possesses a driver's license from another state, the candidate must secure a valid Illinois driver's license during the first six (6) months of employment.

M. Discharge of Probationary Members

1. A probationary member may be discharged by the Chief of Police. The Chief shall notify the Board of the discharge.
2. The discharge procedures set forth in Chapter 6 shall not be applicable to probationary members.

N. Completion of Probationary Period, Full-Time Non-Probationary Certification

Upon the successful completion of any probationary period, the Board shall place the member of the Department on a record of full time non-probationary employees maintained by the Board (Certified Record).

O. Emergency Appointments

The Board, upon order of the Corporate Authorities, may make such temporary appointments as it shall deem necessary to protect the health, safety and welfare of the Village. In the case of a strike, walk-out, "blue-flu" or similar job interference, such appointments shall extend for sixty (60) days with such thirty (30) day renewals as the Board shall determine to be necessary.

P. Oath of Office

Prior to commencing duty, an applicant shall take such oath as is prescribed by the Village Code. The oath shall be administered by a member of the Board of Fire and Police Commissioners or the Village Clerk.

Section 3: Lateral Appointments – Police Department

A. Lateral Appointments to Police Department. The Village recognizes the benefit of expanding the pool of eligible candidates for original appointment to include trained individuals whose skills and level of experience meet specific and definable needs of the Police Department (“Lateral Appointment”). As an alternate method of original appointment, the Board may consider individuals for lateral appointment to police officer pursuant to this Subsection.

1. Creation of Lateral Appointment Eligibility List. Upon receipt of a written request from the Chief of Police, a Lateral Appointment Eligibility List shall be created by the Board. To be placed on that Lateral Appointment Eligibility List, candidates must be certified by the Illinois Law Enforcement Training and Standards Board, having successfully completed the minimum standards basic law enforcement course required by the Board, or be currently certified as a police officer in another state and capable of receiving certification by the Illinois Law Enforcement Training and Standards Board. The candidate must, at the time of application, be currently employed on a full-time basis, as a police officer with a regularly constituted municipal or county sheriff’s department for a period of not less than two (2) years and have successfully completed his/her probationary period.

If a candidate for lateral appointment is not currently employed by a qualified law enforcement agency, a candidate is eligible for lateral appointment if the candidate was employed within the last 12 months (or 24 months with Board approval at the request of Chief of Police), on a full-time basis, as a police officer with a regularly constituted municipal or county sheriff’s department for a period of not less than two (2) years, successfully completed his/her probationary period, the separation from the previous employer was voluntary and on good terms, and the candidate continuously maintained status as a certified police officer.

2. Applications. Applicants for lateral appointments must complete and submit an application and required documents, as provided in the Board's Rules and Regulations. The Board need not establish a deadline for the filing of applications, as applications may be taken at any time and the application process shall be continuous.

3. Minimum Qualifications and Requirements; Examinations. Applicants for Lateral Appointment are subject to disqualification as provided in the Board's Rules and Regulations. The minimum qualifications and requirements of entry-level police officers under the Board's Rules and Regulations also apply, subject to the qualifications in Subsection A(1) above and the following:

- a. Age. The age limitation does not apply.
- b. Education. A lateral candidate shall meet the same education requirements as all other candidates for original appointment to the Police Department, as established by the Board's Rules and Regulations. Credit for education requirements listed in Chapter 2, Section 1, Paragraph G, will apply to lateral candidates.
- c. Preference Points. Preference points do not apply.

4. Screening and Hiring Process. Qualified applicants, prior to employment, must successfully complete the following:

- a. Written Examination. Applicants for Lateral Appointment will not be required to submit to a written examination as part of the Board's screening process.
- b. Comprehensive Pre-screening by Police Department Command Staff.
- c. Command Staff Oral Interview. Oral interview by the Command Staff of the Police Department. A candidate will not proceed past this point in the examination process unless a recommendation to proceed is given by the Chief of Police.
- d. Background Investigation.

- e. Polygraph Examination.
- f. Oral interview given by the Board. The Oral Interview shall be conducted by an Interview Panel. The Interview Panel will consist of the Board and two (2) individuals appointed by the Police Chief. At least one (1) Board member must participate along with the appointed individuals. Each member of the Board member(s) will select a chairperson for the Interview Panel, which shall be a Board member. Each member of the Interview Panel will have equal voting privileges.
- g. Placement on the Lateral Appointment Eligibility List. Candidates shall be placed on the Lateral Appointment Eligibility List in the order of their relative excellence as determined by the Board. A candidate's name will remain on the Lateral Appointment Eligibility List for a period of 12 months, and the names of additional candidates may be placed on the list at any time and shall be slotted into the list based on relative excellence and without preference for time of application filing.
- h. Physical Aptitude Test. After a conditional offer of employment, lateral candidates must take and pass a Physical Aptitude Test as selected by the Board.
- i. Psychological Evaluation. After a conditional offer of employment, each candidate shall submit to a psychological evaluation by a clinical psychologist selected by the Board and licensed by the State of Illinois.
- j. Medical Examination. After a conditional offer of employment, a lateral candidate shall be required to submit to a medical examination by a licensed physician appointed by the Board with the same requirements as.
- k. A candidate for lateral appointment who does not pass any component of the examination process shall be removed from consideration and shall

have no right to participate in any further components of the examination process.

5. Selection. The decision to select a candidate from the Lateral Appointment eligibility list ahead of a non-certified candidate is solely within the discretion of the Board. A candidate removed from the Lateral Appointment list based solely on being on the list for 12 months may reapply for lateral appointment to the Police Department.

6. Conditional Offer. A conditional offer of employment shall be made only to the most qualified candidate on the Lateral Appointment eligibility list, as determined by the Board, in consultation with the Chief of Police, based upon an evaluation of the following qualifications, at a minimum:

- a. Law enforcement experience;
- b. Law enforcement training beyond Basic Law Enforcement Course;
- c. Training and experience in specialty law enforcement functions;
- d. Background investigation; and
- e. Oral Interviews.

A conditional offer of employment shall be subject to the candidate passing: (a) physical aptitude test; (b) psychological evaluation; and (c) medical evaluation.

7. Certification; Demonstration of Need. The Chief of Police, upon written approval of the Village Manager, shall demonstrate to the Board the advisability of a Lateral Appointment due to special or unique circumstances that warrant appointment over the eligible pool of candidates established on the Eligibility Roster of non-lateral candidates. Upon the Board's determination that special or unique circumstances exist, the Board may certify individuals for Lateral Appointment.

8. Probationary Period. All individuals certified for Lateral Appointment must successfully complete a probationary



period of no less than 24 months from the date of appointment. Lateral appointments shall be required to participate in a Field Training Program for a period of time determined by the Chief of Police based on their experience as a law enforcement officer.

Section 4: Original Appointments – Fire Department

- A. Exclusive Method of Appointment  
Original appointments to the Fire Department (“Fire Department”) shall be made only as set forth in these Rules and Regulations.
- B. Applications, General.
1. All applications required by this Chapter 2 shall be typed or hand Printed and signed by the applicant. Any applicant making false statements in any application shall be rejected by the Board. Further, the Board may, at any time, remove any person hired to a position in the Department upon learning that false statements have been made or that material facts have been misrepresented or omitted. An applicant must notify the Board, in writing, of any change in status from the time the application is submitted until appointment. Notice of matters involving testing or appointment may be made by regular mail or e-mail. If an applicant does not duly respond to the notice, that applicant may be eliminated from further consideration.
  2. Defective applications shall be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought. The corrected application must be received by the Board no later than five (5) business days after notification of minor application errors. Corrected applications submitted more than 5 business days after notification of minor application errors shall not be accepted.
- C. Application  
All applicants shall complete an application, which may be obtained from the Fire Department, other remote locations, or downloaded from the Village website. The filing of such application shall be a verification that the applicant possesses the qualifications for the position and is not disqualified as set forth in (D) below. The applicant shall file this application with the Board by the established deadline.
- D. Disqualification

The Board may, subject to the Americans with Disabilities Act, refuse to examine or, after examination, to certify as eligible, any applicant whom the Board reasonably determines:

1. to be incapable of performing the physical tasks required of the position to which the applicant seeks appointment;
2. to be a person who is currently misusing or abusing intoxicating beverages or prescription drugs;
3. to have been a user of any illegal drug or narcotic, other than Cannabis Sativa, as defined in Illinois Compiled Statutes Ch. 720, Sec. 570 et seq., and not legally prescribed by a physician within the past three years;
4. to have been a user of Cannabis Sativa in the past twelve (12) months;
5. to be addicted to the use of intoxicating beverages or drugs and not in a certified program of recovery or be able to prove a current status of recovery from the addiction;
6. to be a habitual gambler;
7. to have been found guilty of a felony or any of the following misdemeanors:

The following references are to Illinois Compiled Statutes, Ch. 720, and shall include any similar offenses as defined by other jurisdictions.

- a. criminal sexual abuse as defined in Section 11-1.50;
- b. indecent solicitation as defined in Section 11-6;
- c. public indecency as defined in Section 11-9;
- d. prostitution as defined in Section 11-14;
- e. promoting prostitution as defined in Section 11-14.3;
- f. soliciting a prostitute as defined in Section 11-15;
- g. keeping a place of prostitution as defined in Section 11-17;
- h. patronizing a prostitute as defined in Section 11-18;  
pimping as defined in Section 11-19;
- j. public indecency as defined in Section 11-30;
- k. adultery as defined in Section 11-35;
- l. aggravated assault as defined in Section 12-2;
- m. intimidation as defined in Section 12-6;
- n. eavesdropping as defined in Section 14-4;
- o. theft as defined in Section 16-1;

- p. retail theft as defined in Article 16A;
  - q. deceptive practices as defined in Article 17;
  - r. unlawful use of weapons, as defined in Section 24-1(a) (1), (6) and (8);
  - s. unlawful sale of firearms as defined in Section 24-3;
  - t. unlawful possession of firearms and ammunition as defined in Section 24-3.1;
  - u. defacing firearm identification marks as defined in Section 24-5;
  - v. mob action as defined in Section 25-1;
  - w. keeping a gambling place as defined in Section 28-3;
  - x. bribery as defined in Article 29;
  - y. resisting or obstructing a peace officer as defined in Section 31-1; z. obstructing justice as defined in Section 31-4;
  - aa. escape or failure to report for periodic incarceration as defined in Section 31-6;
  - bb. aiding escape as defined in Section 31-7;
  - cc. interference with judicial proceedings as defined in Section 32-1, -2, -3, -4, -8;
  - dd. battery as defined in Section 5/12-3; and
  - ee. domestic battery as defined in Section 5/12-3.2.
8. to have been dismissed for cause, from any public service position;
  9. to have character or employment references which are deemed to be unsatisfactory;
  10. to have failed to satisfy any step in the test process including, whenever applicable, failure to attend a Mandatory Applicant Orientation meeting;
  11. to have failed to fulfill any of the requirements for applicants which are set forth in these Rules and Regulations;
  12. to not possess a valid driver's license at any stage of the selection procedure.
  13. to, in the reasonable opinion of the Board, be otherwise unqualified for service in the Fire Department;
  14. to have been dishonorably discharged from military service;
  15. to have knowingly received test information in advance of an examination.

Any disqualified applicant shall be notified by the Board of such disqualification. The applicant may request in writing that the Board review

its decision to disqualify stating the reasons why such review is appropriate. The Board need not conduct a hearing on such request, but shall respond, in writing, within a reasonable time.

E. Age Requirements

1. All applicants must be between the ages of twenty(20) and thirty-five (35) years old at the time of application deadline. All applicants must be twenty-one (21) years old to be hired. If an applicant is not yet twenty-one (21) years old at the time a conditional offer would otherwise be made to the applicant, they will not be given a conditional offer, but shall remain on the eligibility register until the next opening. No person who is 35 years of age or older shall be eligible to take an examination for a position as a firefighter except as provided in this Section E.
2. The maximum age limitation shall not apply to any person previously employed as a full time firefighter in a regularly constituted fire department of (i) any municipality or fire protection district located in Illinois, (ii) a fire protection district whose obligations were assumed by a municipality under Section 21 of the Illinois Fire Protection District Act, or (iii) a municipality whose obligations were taken over by a fire protection district; or to any person who has served a municipality as a regularly enrolled volunteer, paid-on-call, or part-time firefighter for five (5) years immediately preceding the time that municipality begins to use full time firefighters to provide all or part of its fire protection service.
3. If a person is placed on an eligibility register and becomes over age before he or she is appointed to the Fire Department, the person remains eligible for appointment until the register has expired, but not more than two (2) years from the date that the Final Eligibility Register was established. Otherwise, no person who has attained the age of thirty-five (35) years shall be inducted as a member of the Fire Department.
4. Any person who turned thirty-five (35) years of age while serving as a member of the active or reserve components of any of the branches of the Armed Forces of the United States or the National Guard of any state, whose service was characterized as honorable or under honorable, if separated from the military and is currently under the age of forty (40) shall be eligible for appointment as a member of the Fire Department.

F. Education

Applicants for original appointment to the Fire Department must possess a high school diploma or its equivalent as recognized by the State of Illinois.

## Section 5: Examinations – Original Appointments – Fire Department

### A. Release of Liability

All applicants shall execute and deliver to the Board, a release in favor of the Village of Mount Prospect, and each of its officers, agents and employees, relative to all liability, loss, damage or expense that may arise as a result of or in connection with the applicant's participation in the examination procedure. The release shall be in a form prescribed by the Board.

### B. Notice of Examination

1. Examinations shall be held on the dates fixed by the Board. Notice of the time, place, general scope, merit criteria for any subjective component, and fee of every examination shall be given by the Board by a publication at least 2 weeks preceding the examination: (i) in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village; or (ii) on the Village's internet website. Additional notice of an examination may be given by the Board.
2. Examinations may be postponed, however, by order of the Board or its designee. The order shall state the reason for such postponement and shall designate a new date for the examination. Applicants shall be notified of the postponement of any examination and of the new date fixed for the examination.
3. Unless otherwise specifically provided, any notice required by this Chapter may be by personal service, U.S. regular mail, or email.

### C. Examinations

The Board shall call for examinations to fill existing or prospective vacancies in the Fire Department. The Board shall determine:

1. The time and place where such examination will be held.
2. The location where applications may be obtained and the date by which applications must be returned to the Board.

3. The position to be filled from the resulting eligibility register.

D. Phases of Examinations/Evaluations

All applicants for original appointment as Officers in the Fire Department shall participate in the following examination phases (a failure on any phase designated as pass/fail shall disqualify the applicant from consideration). The order in which the various phases shall be given will be established by the Board prior to the commencement of testing. Any phase for which a passing score is not established or which is not designated as pass/fail, may be applied by the Board in any manner which it, in its sole discretion, deems appropriate.

1. Physical Aptitude Test

- a. Applicants are required to undergo an examination of their physical ability to perform the essential functions included in the duties they may be called upon to perform as a member of a fire department. Such examination shall consist of the Candidate Physical Ability Test (CPAT) and the ladder climbing component. Applicants must provide proof of current and valid CPAT and ladder climbing component cards by the time the Final Eligibility Register is posted.. Failure to provide such proof will eliminate the applicant from further consideration. Any costs associated with the CPAT certification and ladder climbing component will be at the expense of the applicants.

2. Written Examinations

- a. Property of Board. All examination papers shall be and remain the property of the Board.

- b. Outside Vendor. The Board may select an outside vendor to develop, administer and grade the written test. In such an instance the vendor shall consult with the Fire Chief. Final approval of the written test shall rest with the Board.

3. Subjective Component:

- a. The written examination shall be supplemented by a subjective component which will test the capacity to discharge the duties performed by members of the Fire Department, such as job related skills and behavioral characteristics.

b. Outside Vendor. The Board may select an outside vendor to develop, administer and grade this component. In such an instance the vendor shall consult with the Fire Chief. Final approval shall rest with the Board.

4. Grading of Examinations

The grading of the written test and the subjective component shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description.

5. Background Investigation

- a. Each applicant shall submit to fingerprinting and photographing by the Police Department. The applicant shall provide a signed waiver for access to such records as may be required by the Board to conduct a thorough background investigation in order to determine the applicant's eligibility for appointment.
- b. The background investigation may consist of a number of elements, including, but not limited to, a background interview conducted by a designated investigator; relevant credit, reference, criminal history and employer checks; and a panel interview with department members.
- c. The background investigation shall also include an oral examination taken on a pass/fail basis. The oral examination shall be conducted after the Final Eligibility Register has been posted.

6. Polygraph Examination

After a conditional offer of employment, each applicant shall be required to submit to a polygraph examination. The examination shall be conducted by a testing service, licensed by the State of Illinois, and selected by the Board. The Board shall have the sole authority to determine whether or not the results of the Polygraph Examination disqualify an applicant from employment by the Fire Department.

7. Psychological Evaluation

After a conditional offer of employment, each applicant shall submit to a psychological evaluation by a clinical psychologist selected by the Board and licensed by the State

of Illinois. The psychologist conducting the evaluation shall have received training to understand the specific needs of the Fire Department. The Board shall have the sole authority to determine whether or not the results of the Psychological Evaluation disqualify an applicant from employment by the Fire Department.

8. Medical Examination

After a conditional offer of employment, each applicant shall be required to submit to a medical examination by a licensed physician appointed by the Board. The Board shall have the sole authority to determine whether or not the results of the Medical Examination disqualify an applicant from employment by the Fire Department.

9. Other Evaluations

Applicants may be required to submit to other evaluations which relate to the performance of public service positions.

E. Preliminary Eligibility Register/Initial Eligibility List Register

1. The Board will prepare a Preliminary Eligibility Register and an Initial Eligibility Register of the candidates as follows:

a. The Preliminary Eligibility Register will include those candidates who have scored at or above 70% on the written examination, and provided proof of completion of the Physical Aptitude Test as provided in Section 4.D(1).

b. The Initial Eligibility Register will include those candidates on the Preliminary Eligibility Register upon completion of the Subjective Component. Such Register shall be prepared to combine the scores, as follows:

i) The Written Examination score shall be weighted 60% and the Subjective Component score shall be weighted 40%. The process of creating composite scores shall consist of the following steps:

(a) The Written Examination and Subjective Component scores will each be converted to standardized scores (z-scores);

(b) The standardized scores will be combined into a single score according to the weights previously described;



- (c) The composite z-score will then be converted to a scaled score (t-score) on a 100 point scale; and
  - (d) A register shall be created in rank order based upon the resulting scaled scores.
- c. The Registers shall be posted not more than sixty (60) days after the last such examinations.
  - d. A dated copy of the Initial Eligibility Register shall be sent to each candidate on such Register.

F. Preference Points

1. Available Points

- a. Veteran preference. Persons who were engaged in the military service of the United States for a period of at least one year of active duty and who were honorably discharged therefrom, or who are now or have been members on inactive or reserve duty in such military service, shall be preferred for appointment to and employment with the Fire Department of an affected department. Five (5) points shall be added to such a candidate's Initial Eligibility Register score.
- b. Educational preference. Persons who have successfully obtained an associate's degree in the field of fire service or emergency medical services, or a bachelor's degree from an accredited college or university shall be preferred for appointment to and employment with the Fire Department. Five (5) points shall be added to such a candidate's Initial Eligibility Register score.
- c. Paramedic preference. Persons who have obtained certification by the State of Illinois or the National Registry as an Emergency Medical Technician Paramedic (EMT P) shall be preferred for appointment to and employment with the Fire Department of an affected department providing emergency medical services. Five (5) points shall be added to such a candidate's Initial Eligibility Register score.

d. EMT preference. Persons who have obtained certification by the State of Illinois or the National Registry as an Emergency Medical Technician Basic (EMT B) shall be preferred for appointment to and employment with the Fire Department. Two (2) points shall be added to such a candidate's Initial Eligibility Register score.

e. Experience preference

(i) All persons employed by a municipality who have been paid on call or part time certified Firefighter Basic (Firefighter II), State of Illinois or nationally licensed EMT B or EMT I, or any combination of those capacities shall be awarded 0.5 point for each year of successful service in one or more of those capacities, up to a maximum of 5 points. Certified Firefighter Advanced (Firefighter III) and State of Illinois or nationally licensed paramedics shall be awarded one point per year up to a maximum of 5 points.

(ii) Applicants from outside the municipality who were employed as full time firefighters or firefighter paramedics by a fire protection district or another municipality for at least 2 years shall be awarded 5 experience preference points.

(iii) Applicants, who were engaged in active service with the Mount Prospect Fire Department as a Paid-On-Call Firefighter for a minimum of three (3) years, shall be awarded five (5) points. In the event that a candidate is eligible for points under subsection (i) and this subsection (iii), the total number of cumulative points shall not exceed five (5).

(iv) A candidate may not receive the full amount of experience preference points if the amount of points awarded would place the candidate before a veteran on the Final Eligibility Register. If more than one candidate receiving experience preference points is prevented from receiving all of their points due to not being allowed to pass a veteran, the candidates shall be placed on the Register below the veteran in rank order based on the totals received if all

points under this subsection were to be awarded. Any remaining ties on the Register shall be determined by lot.

- f. Residency preference. Applicants whose principal residence at the time of filing the application is located within the Fire Department's jurisdiction shall be preferred for appointment to and employment with the Fire Department. One (1) point shall be added to such a candidate's Initial Eligibility Register score.
- g. Fluency in Second Language preference. Applicants must be able to demonstrate fluency in any language prevalent in the Mount Prospect Fire Department Service area, other than English, as determined by the most recent U.S. Census Bureau statistics. Fluency shall mean a clearly demonstrated ability to read, speak and understand the language. The Board shall be the sole judge of whether a language is prevalent in the Mount Prospect Service Area and whether fluency has been clearly demonstrated. The Board may retain a testing agency to advise as to specific language prevalence and for standards and evaluation of fluency. Two (2) points shall be added to such a candidate's Initial Eligibility Register score.

Preference points shall be given only if a proper and valid claim for a preference has been made and only if the standards for such preference have been met under these Rules.

Notwithstanding the preference points authorized under this Subsection 1, the Board may eliminate preference points, adopt different preference points or provide for preference points for other categories prior to announcement of any testing process, so long as statutory requirements are met.

## 2. Time and Method of Claiming Preference Points

Each fire applicant eligible to claim preference points (identified in Section 4, F.1.) must submit his/her claim for that preference in writing to the Board within ten (10) days after the posting of the Initial Eligibility Register. Claims not made within that ten (10) day period shall be deemed waived. The applicant, at the time of submitting a claim for preference, must submit evidence of qualification for that preference.

## G. Final Eligibility Register

- 1. The Chairperson will prepare a dated "Final Eligibility Register" which shall include those candidates on the Initial

Eligibility Register and any claimed preference points.  
Approval of the Register by the Chairperson shall not require that a formal Board meeting be held.

2. A dated copy of the Final Eligibility Register shall be sent to each Candidate on such Register.

H. Final Eligibility Register – Original Appointments

The Final Eligibility Register shall remain in effect for two (2) years or until exhausted. Testing shall occur every two (2) years or as determined by the Board.

I. Appointment of Probationary Members from Eligibility Register; Declination

1. Appointment

a. The Board shall select for an original probationary appointment the candidate with the highest ranking on the Final Eligibility Register.

b. If the Board has reason to believe that that candidate fails to meet the minimum standards for the position or that an alternate candidate would better serve the needs of the Department, then the Board may pass the highest ranked candidate and appoint either: (i) any candidate who has a ranking in the top 5% on the Final Eligibility Register, or (ii) any candidate who is among the top 5 highest candidates on the Final Eligibility Register if the number of candidates ranking in the top 5% is less than 5 candidates.

2. Declination

Any candidate eligible for probationary appointment may, without removal from the Final Eligibility Register, on one occasion decline an appointment. A second declination or failure to accept shall result in automatic removal from the Eligibility Register, except if he/she is on active military duty. A candidate's removal from the Eligibility Register upon a second declination shall not prejudice the candidate's opportunities to participate in future examinations, including an examination held during the time a candidate is already on the Eligibility Register.

J. Probationary Terms

1. Each Firefighter appointee shall be on probationary status for a period of one (1) year from the date of the appointee

begins employment with the Fire Department as a Firefighter. The Board may extend the probationary period for a Firefighter appointee who is required, as a condition of employment, to be a certified paramedic, during which time the sole reason that a firefighter may be discharged without a hearing shall be for failing to meet the requirements for paramedic certification.

2. The probationary term shall exclude periods of training, or injury or illness leaves, including duty related leave, in excess of 30 cumulative calendar days.

K. Completion of Training Program for Probationary Employees

Any probationary Firefighter who, during the initial one (1) year term of the probationary period or any extension of that period: (1) has not successfully completed the Office of the State Fire Marshal, Division of Personnel Standards and Education, approved Certified Basic Firefighter Course or Firefighter II Course; (2) does not have a valid Illinois state driver's license or the equivalent from another state; and (3) has not successfully completed the requirements for paramedic certification, i.e., licensure as a paramedic by the Illinois Department of Public Health and certification by the local EMS system, shall be dismissed from service.

L. Discharge of Probationary Members

A probationary member may be discharged by the Chief of the Fire Department. The Chief shall notify the Board of the discharge.

M. Completion of Probationary Period, Full-Time Non-Probationary Certification

Upon the successful completion of any probationary period, the Board shall place the member of the Department on a record of full time non-probationary employees maintained by the Board (Certified Record).

N. Emergency Appointments

The Board, upon order of the Corporate Authorities, may make such temporary appointments as it shall deem necessary to prevent a stoppage of public business, to meet extraordinary circumstances, or to prevent material impairment of the fire department, with such temporary appointments to remain in force

only until regular appointments are made, but never to exceed sixty (60) days. No temporary appointment of any one person shall be made more than twice in any calendar year.

O. Oath of Office

Prior to commencing duty, an applicant shall take such oath as is prescribed by the Village Code. The oath shall be administered by a member of the Board of Fire and Police Commissioners or the Village Clerk.

## **CHAPTER 3: PROMOTIONS**

### **Section 1: Promotion Procedures Common to Police and Fire.**

#### **A. Establishment of Examinations for Police Department and Fire Department**

Except for promotions to the Supervisory Ranks set forth in Chapter 4 of the Village Code, the Board will be responsible for all promotions in the Fire and Police Department according to the standards set forth in this chapter. All examinations and assessments for promotion shall be competitive among such eligible officers as desire to submit themselves to the process. In the event that the Board determines that no police officer or firefighter participating in the examination and assessment process is qualified for promotion under these standards, or in the event, that no officer or firefighter elects to participate in the promotional process then the Board shall have the option of inviting participation by Mount Prospect probationary officers and firefighters and otherwise qualified police officers or firefighters outside of the Mount Prospect Fire Department or Police Department. If such a process does not yield a qualified candidate, the Board may then, in its sole discretion and without amending these Rules and Regulations, establish such standards for examination as it deems appropriate. All candidates for the position shall be subject to the pertinent application and disqualification restrictions provided for original appointments in Chapter 2.

#### **B. Notice of Examination for Police Department and Fire Department**

The Board shall set the first and last dates for the giving of the promotional examination. If the examination is open to the general public, the date for the opening of the examination process shall be published according to State law. If the examination process is not open to the general public, notice shall be posted in three conspicuous places in the appropriate department. If for scheduling purposes, the Board requires candidates to file an application for the taking of the exam, the notice shall so state and give the final date for the filing of the application. Examinations may be postponed by order of the Board, in which event, the order shall state the reason for the postponement and shall designate a new date for conducting the examination. All candidates shall be notified by regular mail or e-mail of a postponement and of the new date fixed for the examination.

#### **C. Review**

A candidate may request a review of any phase of the promotional process which he or she believes to be unfair, discriminatory or inaccurately reported or graded. Failure to file a request for review within

fourteen (14) days of the posting of the List pursuant to Section 11 of this Chapter will cause the candidate to become ineligible to participate in a review process. A request for review shall not interfere with or delay an ongoing promotional process except by an affirmative vote of not less than sixty-five percent (65%) of the members of the Board.

The written request for review must be delivered to the Secretary of the Board or his or her designated representative and must plainly state:

1. The phase of the promotional process for which review is being sought.
2. The reason(s) for the request for review.

Reviews will be conducted at the Board's next meeting at which a quorum is present. The Board shall issue a written response or may conduct such further investigations as it deems appropriate. However, all reviews shall be disposed of within one hundred and twenty (120) days of the original date of the filing of the request for review.

Section 2:                    Police.

Promotions within the Police Department shall be accomplished in the following order and in accordance with the standards set forth in this Chapter.

A.     Candidates Eligibility for Participation in Pre-Screening Examination

All pre-screening examinations for promotion shall be competitive among such officers of the Police Department who shall have completed one (1) full year of service after being placed on the Certified Record prior to the date on which the pre-screening examination is commenced.

B.     Pre-Screening Examinations

1.     Content of Examinations

The subject matter of examinations shall be such as will in the Board's determination fairly test the capacity of the candidate to discharge the duties of the position to which the candidate seeks promotion.

2.     Criteria and Scoring

The criteria for the pre-screening examination shall be selected by the Chief of Police under the direction of and subject to the approval of the Board. Thirty percent (30%) of the total points available shall be attributable to a departmental merit and efficiency



rating based on the candidate's past performance with the Department.

3. No Merit Rating if Open to General Public

In the event the Board deems it necessary to extend the examination process to the general public, there shall be no consideration given to departmental merit and efficiency for any candidate.

C. Assessment Center

1. Eligible to Proceed. Those individuals in the pre-screening process who both (1) achieve a minimum score of seventy (70); and (2) rank in the top eight (8), shall be considered finalists for promotion and be eligible to participate in an Assessment Center. If fewer than eight (8) achieve a minimum score of seventy (70), then only those achieving the minimum will be eligible. The foregoing notwithstanding, the Board may, if announced prior to the examination, permit up to twenty (20) persons achieving a minimum score of seventy (70) to advance to the Assessment Center.

2. Assessment Center Panel

The Assessment Center shall consist of a panel of persons familiar with the requirements and problems of the position to be filled and having a demonstrated ability to assess individuals in light of those requirements and problems. The panel shall be subject to the approval of the Board. No member of the panel shall be an employee of the Village of Mount Prospect.

3. Assessment Center Process

The Assessment Center process of examination shall enable the assessment panel to evaluate the candidate on the following criteria:

- a. Leadership ability
- b. Administrative skills
- c. Oral and written communication skills
- d. Ability to function satisfactorily in emergency situations; and
- e. Ability to supervise subordinates and to perform duties and functions in conformity with the established goals of the appropriate department.

4. Use of Assessment Center Panel Report and Selection of Candidate to Position

a. The Assessment Center Panel shall complete a report for the Board and Chief of Police indicating the strengths and weaknesses of each candidate based on that candidate's performance in the Assessment Center.

After completion of the Assessment Center and a review of the report of the Assessment Center Panel, the Board shall eliminate any remaining candidate who is believed to be unqualified and shall certify a List of qualified candidates to the Police Chief. The Board may, upon prior written request of the Police Chief and in its sole discretion, use the score from the pre-screening examination as a determinant of ranking, in addition to the Assessment Center report. Such use of the pre-screening examination must be announced prior to the commencement of the promotional process. Otherwise, candidates on the List shall be ranked according to their performance in the Assessment Center.

b. Selection of Police Candidate. The Police Chief shall then select the candidate to be promoted from the top four (4) names on the qualified List. If more than one (1) opening is to be filled at the same time, the Chief may choose from a number of the candidates at the top of the List that is three (3) more than the number to be chosen. (Example: If three (3) candidates are to be chosen, the Chief may choose from the top six (6) names, if six (6) are to be chosen, the Chief may choose from the top nine (9) names).

D. Probationary Period

Any Police candidate promoted by virtue of this Chapter shall be classified as on probationary status for a period of one (1) year following his/her promotion. The probationary period will terminate automatically at the expiration of the one (1) year period unless the Police Chief certifies to the Board that the probationary sergeant has not performed his or her duties satisfactorily during that period. In that event, the probationary sergeant shall be returned to his or her prior rank using the same procedure as set forth in Chapter 2, Section 2(L) for the dismissal of original appointment probationary officers.

E. List of Qualified Candidates

The list of qualified candidates as certified by the Board shall be posted by the Police Chief and shall be valid for future selection to the position for the period of three (3) years from the date of posting.

Section 3:            Fire

A.    Eligibility

All examinations for promotion shall be competitive among such officers of the Fire Department who shall have completed seven (7) full years of service. Fire officer promotional candidates shall, as of the first date in the pre-screening process, have successfully completed all of the Office of the State Fire Marshal (OSFM) Fire Officer I course work to be eligible to participate in the promotional examination.

B.    Content of Examinations

The subject matter of examinations shall be such as will in the Board's determination fairly test the capacity of the candidate to discharge the duties of the position to which the candidate seeks promotion. Thirty-five percent (35%) of the total points available shall be attributable to a departmental merit and efficiency rating based on the candidate's past performance with the Department.

C.    Assessment Center

The candidates shall submit to an Assessment as set forth below:

1.    Assessment Center Panel

The Assessment Center shall consist of a panel of persons familiar with the requirements and problems of the position to be filled and having a demonstrated ability to assess individuals in light of those requirements and problems. The panel shall be subject to the approval of the Board. No member of the panel shall be an employee of the Village of Mount Prospect.

2.    Assessment Center Process

The Assessment Center process of examination shall enable the assessment panel to evaluate the candidate on the following criteria:

- a.    Leadership ability
- b.    Administrative skills
- c.    Oral and written communication skills
- d.    Ability to function satisfactorily in emergency situations; and

e. Ability to supervise subordinates and to perform duties and functions in conformity with the established goals of the appropriate department.

3. Use of Assessment Center Panel Report and Selection of Candidate to Position

The Assessment Center Panel shall complete a report for the Board and Fire Chief indicating the strengths and weaknesses of each candidate based on that candidate's performance in the Assessment Center. The scoring shall be done according to a system established by the Board at the time of announcement of the promotional examination.

D. Preference Points.

Every promotional candidate for the fire department who was engaged in a military or naval service of the United States at any time for a period of one year and who was honorably discharged shall be preferred for promotional appointment by receiving 7/10ths of one point for each six months or fraction thereof, of military or naval service not exceeding thirty months. This preference shall not apply to persons who were convicted by court-martial of disobedience of orders where such disobedience consisted in the refusal to perform military service on the ground of alleged religious or conscientious objections against war. No person shall receive the preference for a promotional appointment after he or she has received one promotion from an eligibility list on which he or she was allowed such preference.

E. Final Score.

The final score shall be determined by a weighted formula based on the current Collective Bargaining Agreement.

F. List of Qualified Candidates.

The List of qualified candidates as certified by the Board shall be posted by the Chief and shall be valid for future selection to the position for the period of three (3) years from the date of posting. The Board shall make the appointments solely according to their rank on this List.

G. Fire Lieutenant Promotions

Notwithstanding anything to the contrary contained within this Chapter, promotions to the position of Fire Lieutenant shall be conducted in accordance with the terms and conditions as specified within Article XIII of the collective bargaining agreement by and between the Village of Mount Prospect, Illinois and the Mount Prospect Firefighters Union, Local #4119,

I.A.F.F., AFL-CIO, currently effective through December 31, 2011, or as subsequently amended thereafter.

**CHAPTER 4:**            **CHARGES, HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES**

Section 1:            Suspension of Not More than Five (5) Days

The Chief of the Fire or Police Department shall have the right to suspend any officer under his/her command for a period not to exceed the equivalent of five (5) eight (8) hour work days, provided that no charge for the same offense has been filed and is pending before the Board. Nothing outside of this Chapter 4, Section 1 shall affect the Chief's right to order such a suspension. Any suspension by the Chief under this Section shall be reported to the Board within seventy-two (72) hours after giving notice of the suspension to the officer.

Section 2:            Appeal Process.

Any officer so suspended may appeal to the Board for a review of the Chief's suspension order within five (5) days after receiving written notice of the suspension. This must be done by filing written notice of such appeal with the Chairperson of the Board. The Board shall then meet to discuss and determine the disposition of the appeal. The Board may, in its sole discretion, request information or testimony from the appealing officer to aid in its determination of the appropriate disposition. If any evidence or testimony is taken, the burden of proof shall be on the officer to establish that the Chief was not justified in ordering the suspension. Upon such an appeal by the officer, the Board may sustain the action of the Fire or Police Chief, may reverse it with instructions that the suspended officer receive his/her pay for the period involved, may suspend the officer for an additional period of time of not more than thirty (30) days or discharge him/her, depending on its consideration of the issues.

Section 3:            Discharge, Demotion or Suspension of More than Five (5) Days.

Except as set forth in Section 1 of this Chapter 4, no non-probationary, sworn member of the Fire or Police Department shall be suspended, demoted or discharged except upon written charges and after an opportunity to be heard in his/her own defense. The hearings shall be governed by the Village Code and this Chapter 4. Charges shall be made in writing to any member of the Board by the Fire or Police Chief, the Village Manager or the Village President. The charges shall then be filed with the Secretary of the Board.

Section 4:                    Pre-Hearing Suspension

After charges have been filed but prior to the hearing, the Board on its own motion or on motion of the Police or Fire Chief may suspend without pay the person against whom the charges have been preferred for a period not to exceed thirty (30) days. If the Board determines after the hearing that the charges are not sustained, that person shall be reimbursed for all pay withheld. If the officer requests a continuance of the hearing beyond thirty (30) days, Section 7(E) of this Chapter 4 shall apply.

Section 5:                    Dispositions by the Board after Hearing

Upon a finding of guilty of the written charge(s), the Board may suspend the officer for a period not to exceed thirty (30) days without pay, remove him/her from office or discharge him/her.

Section 6:                    Demotions

- A. Any Police Sergeant or Fire Lieutenant who was promoted to that rank by the Board may also be demoted by the Board. Such demotion may be made only upon the written request of the Fire or Police Chief. The request shall clearly set forth the reasons for the demotion. The officer shall be notified in writing, by registered mail or personal service, of such determination and shall be requested to appear before the Board at a specified time and place for a hearing relative to the demotion. The time for the hearing shall be set by the Board within thirty (30) days of the time of the filing of the report with the Board. The officer shall be given an opportunity to be heard in his/her own defense at the hearing. Such demotion shall be made only after the Board has found that the officer is deficient in the performance of his or her duties in any one or more of the following areas:
1. Leadership ability.
  2. Administrative skills.
  3. Communication skills.
  4. Ability to function in a satisfactory manner in an emergency.
  5. Ability to supervise subordinates.

6. Ability to perform duties and functions in conformance with the established goals of the Department.
- B. Any Fire Lieutenant or Police Sergeant may request and/or consent to a demotion to a lower rank subject, however, to the concurrence of the Board.

Section 7:                      Hearing Procedures

- A. "Counsel" means one who is an attorney in good standing in the State of Illinois. However, the Board may, upon petition by a party appearing before it, permit an attorney licensed in another state to represent that party.
- B. The right to determine that "cause" exists in a particular case is vested solely with the Board.
- C. The complainant initiating any proceeding, which provides for a hearing before the Board has the burden of proof to establish that cause does exist by a "preponderance of the evidence." Even if the question of a crime is involved, the standard of "beyond a reasonable doubt" shall not be applied in the hearing before the Board.
- D. The phrase "preponderance of evidence" is defined as the greater weight of the evidence. It rests with that evidence which, when fairly considered, produces the stronger impression, has a greater weight and is more convincing as to its truth when weighed against the evidence produced in opposition.
- E. All hearings shall be in compliance with the Illinois Open Meetings Act. This requirement recognizes that certain personnel matters may be undertaken in closed session.
- F. At the time and place of hearing, each party may be represented by counsel if that party so desires.
- G. All disciplinary hearings before the Board shall be recorded by a Certified Stenographic Reporter to be employed by the Board.
- H. The records of all hearings will not be transcribed by the reporter unless requested by the Board or a party before the Board. Any party requesting a transcript shall pay the cost of the transcript.
- I. All witnesses shall be placed under oath prior to testifying.

- J. The Board will first hear witnesses testifying in substantiation of the charges against the respondent. The respondent may then present and examine those witnesses testifying in substantiation of his or her position. All parties shall have the right to cross-examine witnesses presented by the opposing party.
- K. The matter will be decided by the Board solely on the evidence presented at the hearings.
- L. A request to the Board for a rehearing, reconsideration, modification, vacation or alteration of a decision of the Board may be permitted only upon unanimous consent of the Board and only if requested within five (5) days of the filing of the decision.

Section 8:                    Pre-Hearing Procedure

A.    Complaints

All charges shall be made in a written complaint. The complaint shall be filed with the Board as specified in Section 2 and shall contain a plain and concise statement of the facts upon which the complaint is brought and the rules, laws, regulations or policies which are alleged to have been violated.

B.    Notification of Hearing

Upon the filing of a complaint, the following action shall be taken by the Board:

1.    The accused shall be notified in writing by registered mail or personal service of the charges and of a specified time and place to appear before the Board for a hearing on those charges. If after making all reasonable efforts to serve notice of the charges on the officer, such service has not been accomplished, the Board shall make a record of its efforts and may proceed with the hearing in the absence of the officer.
2.    There shall be a minimum of five (5) days between the time at which the accused was notified of the hearing and the commencement of the hearing.

C.    Subpoenas

The complainant and/or the respondent may, at any time before the hearing, make written application to the Board for a subpoena to secure the appearance and testimony of any individual or to have



him/her 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, a subpoena will be issued for any named person. An application for subpoena should contain the names and addresses of the individuals to be subpoenaed and the identity of any documents which the person is to produce. A subpoena will not be issued for anyone residing outside of the State of Illinois. Such a subpoena shall be enforceable in the Circuit Court of Cook County, Illinois. The Board may issue subpoenas sua sponte and may require that any application for subpoena be filed less than thirty (30) days prior to the hearing.

D. Continuances

The matter of granting or refusing to grant a continuance is within the discretion of the Board. No hearing shall be continued at the request of any of the parties to a proceeding unless the request is received in writing by the Board at least three (3) days before the scheduled hearing date. In the event any officer, who has been suspended pending the hearing, desires a continuance, the Board may require the officer to stipulate that if the officer is found guilty of the charges, but is retained as an officer after the hearing, no compensation shall accrue to the officer for the period of the continuance. Additionally, if the suspension is without pay, the continuance shall be granted upon the condition that the accused officer agree that no claim for compensation shall be made for the period of the continuance.

E. Continuance Because of Inability to Serve Subpoenas

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 the hearing. However, the Board in its discretion may waive this rule.

F. Stipulation

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

G. Sufficiency of Charges, Objections

Any motion objecting to the sufficiency of the charges must be filed in writing not less than forty-eight (48) hours prior to the commencement of the hearing.

H. Service

All papers, required to be served by these Rules and Regulations, 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 or her last known residence as reflected by the complaint filed with the Board. Proof of service of any paper may be made by certification of any person that the paper was delivered to the designated party personally or by filing a signed return receipt showing that a paper was mailed by either registered or certified mail, return receipt requested, to a party's last known address.

I. Filing

All papers may be filed with the Board by mailing or delivering them personally to the Secretary of the Board or by delivering them to the Village Clerk at the Village Hall. For purposes of these Rules and Regulations, the filing date of any papers filed with the Board shall be the date it was actually received by the person specified in these Rules and Regulations.

J. 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 not be larger than "8-1/2 wide by 11 long" and shall have 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 his or her attorney.
5. If papers are filed by an attorney, they must include the attorney's name and address and telephone number.

K. 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. If the last day is a Sunday or holiday, as defined or fixed in any statute now or hereafter enforced in this state, that day shall also be excluded.

L. Date of Hearing

The date which the Board sets for hearing on the charges shall be within thirty (30) days of the time of the filing of the charges.

Section 9: Findings and Order

The Board shall, within fifteen (15) days after the hearing is completed, enter its written findings and order on the records of the Board and notify the parties.

The findings and decision of the Board following a hearing of charges shall be preserved by the Secretary. Notice of the findings and decision shall be sent to the officer involved and the department head for enforcement. If the decision is that the officer is guilty of the charge(s) and discharge is ordered, the discharge shall be effective immediately.

## **CHAPTER 5: GENERAL**

### **Section 1: Rules**

All officers shall be governed by these Rules and Regulations and the Rules and Regulations of their respective department. Any conflict between these Rules and Regulations and those of the respective departments shall be resolved by the application of these Rules and Regulations.

Each rule passed by the Board and each section is an independent rule. The holding of any rule or section to be void, invalid, or ineffective for any reason does not affect the validity of any other rule or section.

### **Section 2: Additional Powers of the Board**

The Board shall have such other powers and duties as are given it by the Corporate Authorities.

### **Section 3: Violation of Rules or Laws**

Any violation of the laws of any municipality or state, or federal law, or of these Rules and Regulations, or the rules, regulations or other orders of the respective Fire or Police Department, by any officer shall be cause, among other things, for the filing of charges against the officer, and for the taking of disciplinary action.

### **Section 4: Appeal and/or Review**

All final administrative decisions of the Board may be reviewed pursuant to Administrative Review as adopted by the Illinois Compiled Statutes. This shall be the sole means of securing judicial review of the Board's decision.

### **Section 5: Leave of Absence.**

Leaves of absence shall be granted by reason of military service or temporary duty-related disability approved by the appropriate Pension Board, as required in Ch. 65, Sec. 10-2.1-23 ILCS, or as may otherwise be required by state or federal regulation.

### **Section 6: Political Contributions**

No officer shall be under any obligation to contribute to any fund or to render any political service. No officer shall be discharged or otherwise prejudiced for refusing to do so. No officer shall discharge or demote or in

any manner change the official rank or compensation of any other person for withholding or refusing to pay any contribution of money or service or any other valuable thing for any political purpose. No officer shall in any other manner directly or indirectly use his or her official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

Section 7:                    Political Activities

No officer shall use his or her official authority or position to coerce or influence the political action of any person or body or to interfere with any election. This shall not prevent the officer from expressing a political opinion, so long as the expression is not detrimental to the efficiency and discipline of the department.

While on duty, no officer may take part in any political campaign, solicit funds or signatures for any political purpose, act as a worker at the polls, or distribute badges, color or indicia favoring or opposing a candidate for election or nomination to a public office.

Section 8:                    Retirement

The age for retirement of all full time sworn members of the Fire and Police Department is sixty-five (65) years.

Section 9:                    Effect

These Rules and Regulations dated \_\_\_\_\_, \_\_\_\_\_ supersede and replace all Rules and Regulations previously issued by the Board.

These Rules and Regulations shall be in full force and effect after being duly adopted and published.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Village President, Village of Mount Prospect

\_\_\_\_\_  
Village Clerk