

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

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As adopted by the Board of Fire and Police Commissioners of the Village of Frankfort, Illinois, effective January 1, 2015.

CHAPTER I - ADMINISTRATION

SECTION 1 - SOURCE OF AUTHORITY

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

SECTION 2 - DEFINITIONS

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

SECTION 3 - OFFICERS OF BOARD AND THEIR DUTIES

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

SECTION 4 - MEETINGS

- a) Regular meetings shall be held as determined by the Board. Notice shall be posted, and meetings shall be open to the public.
- b) Special meetings shall be open, notice thereof to be posted forty-eight (48) hours prior to convening, called by the filing of a notice in writing with the Secretary of the Board and signed either by the Chairman of the Board or any two members thereof. This notice shall contain a brief statement of the business to be submitted for the consideration of the Board at such special meetings and shall set forth the time and place of such special meeting, and no other business shall be considered at such special meeting unless by unanimous consent of the Board.
- c) During any regular or special meeting, a closed session may be held upon a proper motion made by any single member of the Board for the purpose of discussing personnel. Closed sessions may be limited to Board members and such invited persons as the Board may deem necessary. The secretary will record the motion to close the meeting, record the roll call vote of the members on said motion and keep minutes of the closed session. An audio or video record of each closed session will be maintained by the Secretary of the Board and, after a minimum of 18 months, shall be disposed of in accordance with the provisions of the Open Meetings Act.
- d) Public notice of any regularly scheduled or special meeting shall be held in accordance with the Open Meetings Act, Illinois Compiled Statutes, Chapter 5, §§120/1-120/5.
- e) If a member is unable to be physically present at a meeting of the Board, whether it be for health related reasons, the need to conduct personal business or the business of the Board, or due to a personal or family emergency, that member may attend and participate at a Board Meeting by telephonic or other electronic means provided that a quorum of the Board's members are physically present at the meeting and vote to approve the attendance of the missing member(s) by telephonic or electronic means. The minutes of the meeting shall reflect, by name, those members of the Board who were physically present as well as those attending by telephone or electronic means. Notice that a Board member will be in attendance and participating at a Board meeting, not in person but, electronically, shall be provided to the Board's recording secretary or the municipal clerk at least 48 hours prior to the scheduled meeting when possible.

SECTION 5 – QUORUM

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

SECTION 6 - ORDER OF BUSINESS

The order of business at any meeting shall be determined by the Chairman but will include the following points of order.

- a) Call to Order & Roll Call
- b) Approval of Minutes
- c) Correspondence
- d) Chiefs Report
- e) Pending Business
- f) New Business
- g) Chairman's Report
- h) Adjournment

SECTION 7 - PROCEDURE

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

SECTION 8 – AMENDMENTS

Amendments to the rules of the Board may be made at any meeting of the Board. All amendments shall forthwith be printed for distribution and notice shall be given of the place or places where said rules may be obtained. Such notice shall be published in a newspaper of general circulation in the City. The notice shall specify the date, not less than 10 days subsequent to the date of such publication, when rules shall go into effect.

SECTION 9 - ANNUAL REPORT AND BUDGET REQUEST

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

SECTION 10 — COMMISSIONERS EDUCATION / TRAINING

It is recommended that newly appointed commissioners shall, in the first 18 months of service, attend the Illinois Fire & Police Commissioners Association training seminars and become certified by the Association.

Re-appointed commissioners shall attend the training seminars on an as needed basis to maintain their certification.

CHAPTER II - APPLICATIONS

SECTION 1 - RESIDENCE.

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

SECTION 2 - APPLICATION BLANKS.

Applications for a position shall be filed upon blank forms furnished by the Commission or via the internet or other web-based media application process as specified by the commission or private testing vendor employed by the Commission. Applicants must comply with the filing requirements in every respect. The application must be filed with the Board prior to taking an examination.

Every applicant must be of good moral character, of temperate habits, of sound health and must be physically able to perform the duties of the position applied for. The burden of establishing these facts rests upon the applicant.

The applicant shall furnish with his application a copy of his Military Service Record, Discharge Papers, Birth Certificate, High School Diploma or G.E.D. Certificate, a copy of his College or University Degree and, if requested, a copy of a certified transcript of his course work from an accredited College or University.

A false statement knowingly made by a person in an application for examination, connivance in any false statement made in any certificate which may accompany such application or complicity in any fraud touching the same, shall be regarded as good cause for exclusion from the examination.

SECTION 3 - DISQUALIFICATION.

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

- a) Who is found lacking in any of the established preliminary requirements for the service for which he or she applies.
- b) Who is physically unable to perform the duties of the position to which he or she seeks appointment.

- c) Who is addicted to the use of drugs or intoxicating beverages or is found to have taken or used drugs and/or narcotics illegally.
- d) Who has been convicted of a felony or any misdemeanor involving moral turpitude, as specified in §5/10-2.10-6 of the Board of Fire and Police Commissioners Act.
- e) Who has been dismissed from any public service for good cause.
- f) Who has attempted to practice any deception or fraud in his or her application.
- g) Who may be found disqualified in personal qualifications or health.
- h) Whose character and employment references are unsatisfactory.
- i) Who does not possess from an accredited College or University an Associate Degree in criminal justice / law enforcement related studies or 60 hours toward a Bachelor's Degree in any field. Educational requirements may be waived for veterans honorably discharged in accordance with 65 ILCS 5/10 2.1-6.
- j) Who has applied for a position as a police officer and is or has been classified by his or her Local Selective Service Draft Board as a conscientious objector.
- k) Who has not submitted a valid P.O.W.E.R. test card from an accredited and recognized P.O.W.E.R. testing agency issued within the last 12 months of the date of the written exam.

Any applicant, or eligible, deemed disqualified hereunder, shall be notified by the Board. The qualifying criteria for candidates will be determined by the police commission board prior to each posted test announcement and reflected in meeting minutes.

SECTION 4 - DEFECTIVE APPLICATIONS

Defective applications may be returned to the applicant for correction, provided the applicant is not otherwise disqualified for the position sought.

SECTION 5 - AGE REQUIREMENTS

Applicants shall be under 35 years of age, at the time of application and at such time as the final eligibility list is posted, unless exempt from such age limitation as provided in Section 5/10-2.1-6 of the Fire and Police Commissioner's Act. Applicants, at such time

as they file their application with this board, must be 20 years and 6 months of age. Proof of birth date will be required at time of application. An applicant described in this subsection who is appointed to active duty but may not have attained the age of 21 years shall not have the power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

SECTION 6 - NOTICE OF ACCEPTANCE

The Secretary or the Testing Agent will notify all applicants whose applications have been accepted by the Board / Testing Agent to be present for mandatory orientation.

SECTION 7 - RELEASE OF LIABILITY

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

CHAPTER III - EXAMINATIONS

ORIGINAL APPOINTMENTS

SECTION 1 - NOTICE OF EXAMINATIONS

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

SECTION 2 - EXAMINATIONS

The Board shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the Minutes of the Board and shall include a statement of:

- a) The time and place where such examination will be held.

The location where applications may be obtained and the date by which applications must be returned to the Board.
- b) The position to be filled from the resulting eligibility list.

SECTION 3 - TYPE OF EXAMINATIONS

Applicants must attend the orientation program sponsored by the Board. In addition, applicants may be required to participate in a physical aptitude test, written and oral examinations as determined by the Board and as more particularly set forth in 4 below. No examination shall contain questions regarding applicant's political or religious opinions or affiliations. Secondary list applicants shall follow the process outlined in section 13.

SECTION 4 - EXAMINATIONS - MINIMUM GRADE

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

Examinations	% of Total Grade	Minimum Passing
Orientation		Attendance Mandatory
Written Exam	60%	*
Physical Aptitude Test		***
Oral Test (Interview)	40%	**
Polygraph Test		Pass or Fail
Background Investigation		Pass or Fail
<u>Conditional Offer of Employment</u>		
Psychological Examination		Pass or Fail
Medical Examination		Pass or Fail

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

** It shall be the sole determination of the board which candidates move on to the next process based upon the quantity of candidates and ranking of total written score.

*** Test may be given on a demonstration basis.

Note: To any person who is entitled to military, educational or law enforcement certification preference points whose name appears on the register of eligibles, the Board shall add five (5) points (5/10-2.1-9) upon request of applicant.

Note: Applicants who have participated in the Frankfort Police Cadet Program within 3 years of original application and considered in good standing may request in writing to the Board the addition of 2 preference points.

Note: The maximum preference points attributed to a candidate may not exceed five (5) points.

SECTION 5 - ORIGINAL APPOINTMENT - PHYSICAL APTITUDE TEST

All applicants may be required to submit themselves to a physical aptitude test. Only candidates who have participated in the "Written Examination" will be permitted to participate in the physical ability examination.

SECTION 6 - ORIGINAL APPOINTMENT - WRITTEN EXAMINATIONS

Information as to the type of written examination employed by the Board will be provided as part of the orientation program. All examination papers shall be and remain the property of the Board and the grading thereof by the Board shall be final and conclusive and not subject to review by any other board or tribunal of any kind or description. Candidates who fail to achieve a passing grade will be notified and eliminated from all further consideration.

SECTION 7 - ORIGINAL APPOINTMENT- ORAL EXAMINATION

All Commissioners shall participate in the Oral Examination except wherein one Commissioner is absent due to illness or when matters of an emergency nature preclude his attendance. In no event shall less than a majority of the Commissioners conduct the Oral. Questions shall be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on speech, alertness, ability to communicate, judgment, emotional stability, self-confidence, social skill and general fitness for the position. On completion of each Oral Examination, the Commissioners will discuss the Candidate's abilities using the traits listed above. Candidates who fail to successfully complete the Oral Examination will be notified and eliminated from all further consideration. Oral examinations shall be video recorded. Verbatim records will be maintained in compliance with 5 ILCS 120/2.06

SECTION 8 - INITIAL ELIGIBILITY REGISTER

- a) The Commissioners will prepare an "Initial Eligibility Register" of the Candidates successfully completing the orientation, a graded written exam and a graded oral interview.
- b) From the graded written exam, the Board shall select a number of candidates from the top of this list (the minimum number to be determined at the discretion of the Board and announced at orientation) who shall submit to the graded oral interview.

- c) Rank order for the two exams shall be based upon the applicant's total cumulative score which shall be calculated as follows:
 - 1. Original written exam score multiplied by 60%
 - 2. Oral interview score multiplied by 40%
- d) A dated copy of the Initial Eligibility Register shall be sent to each person who has successfully completed the above exams. Each person on that list will then be given notice of their right to claim preference points.

SECTION 9 — FINAL ELIGIBILITY REGISTER

- a) Final appointment to the Frankfort Police Department shall be from the names appearing on the "Final Eligibility Register" or the Secondary List Roster.
- b) This register is subject to change with the addition of any claimed preference points as prescribed in 5/10-2.1-8 and 5/10-2.1-9, (a) and (b) of the ACT. Candidates who are eligible for veteran, educational, Frankfort Cadet or law enforcement certification preference points shall make a claim in writing with proof thereof within 10 days after the date of the first posting of the initial eligibility register or such claim shall be deemed waived.
- c) In the event of a tie score, the placement of the tied candidate names on the eligibility list shall be determined by lot in the presence of a quorum of the Board in whatever manner the Board deems appropriate.
- d) A dated copy of the Final Eligibility Register shall be sent to each person appearing thereon and shall include the date of expiration of the Register two (2) years hence.
- e) In the event a "Final Eligibility Register" is exhausted prior to the expiration of the list, the Board may establish an "Additional Final Eligibility Register" from the remaining candidates from the written exam list in accordance with Section 8, (b), (c) and (d) above.
- f) Applicants shall be appointed from the Final Eligibility Register in descending order. Notwithstanding anything to the contrary contained within these rules & regulations, the Board may, at its discretion, choose to appoint an applicant who has been awarded a certificate attesting to his or her successful completion on the Minimum Standards Basic Law Enforcement Training Course, as provided in the Illinois Police Training Act, ahead of non-certified applicants.

- g) Appointment from the Final Eligibility Register is subject to satisfactorily passing or completing a polygraph test, background investigation and oral interview. At that point a conditional offer of employment will be made upon successful completion of an in-depth psychological examination and a thorough medical examination (which may include a test of the applicant's vision and hearing, a test for the presence of communicable diseases as well as a test to screen for the use of drugs and/or narcotics).

SECTION 10 - PROFESSIONAL EXAMINATIONS AND TESTS

- a) Each applicant for original appointment shall submit to a Psychological Examination by such psychologist or psychiatrist as the Board may designate. Such examination shall be without expense to the applicant. Failure of the applicant to take or successfully complete such test shall eliminate him from further consideration.
- b) Any applicant for original appointment to the Police Department of the Village of Frankfort, Illinois, may be required to submit to a Polygraph Device Deceptive Test, commonly known as a Lie Detector Test, at such time and place as the Board may designate. Such test shall be given without expense to the applicant. Failure of the applicant to take or successfully complete such test shall disqualify him to enter upon the duties of the office for which the application for examination was filed.
- c) Medical Examinations shall be performed by a licensed physician. Such examination shall be without expense to the applicant.

SECTION 11 - PROBATIONARY APPOINTMENT

- a) All vacancies in the Police Department shall be filled by individuals from the Primary Eligibility Register or the Secondary List in the order in which their names appear on the register and having met all requirements previously listed. Pursuant to Section 9 e) above, the Board may choose to appoint certified applicants ahead of non-certified applicants.
- b) All original appointments to the police department shall be for a probationary period. The probationary period of a newly appointed police officer shall commence as of the first date said individual reports for work with the department. A probationary period will be tolled for those

periods of time a probationary employee, for whatever reason, is unable or unavailable to perform his or her assigned duties.

- c) Any person whose name appears on the Primary Eligibility Register may decline appointment. It shall be the option of the Board to strike from or maintain upon the register the name of such candidate without otherwise altering the candidate's original position on the Primary Eligibility Register.
- d) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.

SECTION 12 – CERTIFICATION

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

SECTION 13 - SECONDARY LIST

As provided for within 65 ILCS 5/10-2.1-14 of the Board of Fire and Police Commissioners Act, the commission may, at its discretion, prepare and keep a "Secondary List" of applicants all of whom have successfully completed their basic law enforcement training and have been so certified by the Illinois Law Enforcement Training and Standards Board and who, at the time of application, been employed as a full-time sworn law enforcement officer, for a minimum of 24 months, of a regular police department in any municipal, county, university, or State law enforcement agency.

- a) All candidates must fill out an application and shall be required to release their entire personnel file from all prior employers and must disclose all adverse personnel matters, including any disciplinary, last chance, or similar agreements, letters of reprimand, and sealed files.
- b) Applicants for a position on a "Secondary List" shall be required to successfully pass an oral examination. The passing point for the oral exam will be 70 percent and the interview panel will be determined by the police commission. The commission reserves the right to disqualify applicants as outlined in Chapter 2 Sections 3.
- c) Notice of the examination will be provided as set forth in Section 2 of this Chapter. An applicant's position upon a "Secondary List" shall be based upon the applicant's final interview score plus an award of preference points as noted above in Section 4 of this Chapter. Candidates on the secondary list shall remain on the list for two years.
- d) At the time a vacancy is declared for an original appointment to a police officer's position, the commission shall have the option to fill said vacancy from its Original Eligibility List or from the Secondary List.

- e) Prior to an offer of conditional appointment applicants shall be required to undergo a polygraph examination and thorough background check as set forth in these rules. If successful, the commission shall make a conditional offer of employment subject to successful completion of an in-depth psychological examination and a thorough medical examination as provided for within these rules.
- f) Applicants appointed from a Secondary List shall serve on a probationary basis as set forth in Section 11 above.

CHAPTER IV - PROMOTIONAL EXAMINATIONS

SECTION 1 - GENERAL

The Board, by its rules, shall provide for promotion in the Police Department on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to examination. **Candidates for promotion shall have served a minimum of four (4) years of full-time service, as of the date the written examination is administered, in the next lower rank as a member of the Frankfort Police Department.** All promotions shall be made from the three (3) individuals having the highest rating, and where there are less than three (3) names on the promotional eligibility register, as originally posted, or remaining thereon after appointments have been made there from, appointments to fill existing vacancies shall be made from those names or the name remaining on the promotional register. The method of examination and the rules governing examinations for promotion are specified below. The Board shall strike off the names of candidates for promotional appointment after they have remained thereon for more than three (3) years, provided there is no vacancy existing which can be filled from the promotional register. For the purpose of determining that a vacancy exists, the Board must have received notice from the appropriate corporate authorities to fill an existing vacancy prior to the date the name(s) are to be stricken from a promotional eligibility register. Each weighted component of the examination process shall be based upon a scale of 1 to 100.

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

<u>Examinations</u>	<u>% of Total Grade</u>
Written Test Score	25%
Assessment Center Score	25%
Orals	20%
Department Merit and Efficiency Rating	20%
Years of Service (Maximum 14 years)	10%
Preference Points	Added

Note: The board shall announce at examination the requirements for the testing procedure.

Seniority is defined as 1 point per year for each full year of service on the Frankfort Police Department up to a maximum of fourteen (14) points.

b) In the unlikely event no candidate who meets the eligibility requirements is qualified for promotion, the Board may waive any of the requirements to identify eligible candidates from within the agency. If no one in the agency is qualified for promotion, the board may consider qualified applicants from outside the department.

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

d) Candidates who are otherwise qualified and have timely requested educational preference points shall receive 1 point for attainment/completion of a bachelor's degree or 2 points for attainment/completion of a master's degree.

e) The maximum number of preference points attainable for the promotional exam process shall be 3 ½ points.

f) All Preference points for the promotional process may be used for any promotional application unless restricted by state statute.

SECTION 2 - TOTAL SCORE

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

SECTION 3 - PROMOTIONAL VACANCY

Upon notice from the appropriate corporate authority that a promotional vacancy exists, the Board shall select the individual to be promoted in the manner specified in Section 1 of this Chapter IV.

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

SECTION 1 - RANK

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

SECTION 2 - CLASSIFICATION

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

SECTION 3 - OATH OF OFFICE

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

"I, _____, do solemnly swear or affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

Signed _____

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

NOTARY PUBLIC."

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

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

SECTION 1 - HEARING OF CHARGES

- a) Hearings before the Board are not common law proceedings. The provisions of "Code of Civil Procedure" do not apply to hearings before the Board.
- b) "Counsel" as used herein means: One who has been admitted to the bar as an attorney-at-law in this State.
- c) No rehearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

- d) "Cause" is some substantial shortcoming which renders continuance in employment in some way detrimental to the discipline and efficiency of the public service and something which the law and sound public opinion recognize as cause for the officer no longer occupying his position. The right to determine what constitutes cause is in the Board.
- e) The complainant or appellant initiating any proceedings which call for a hearing before the Board shall have the burden of proof to establish by a preponderance of the evidence that cause for discipline exists or that a suspension, previously imposed by the Chief of a department, is unwarranted. Should the question of a crime be involved, the rule of "reasonable doubt" shall not control.
- f) The phrase "preponderance of evidence" is defined as the greater weight of the evidence, that is to say, it rests with that evidence which, when fairly considered produces the stronger impression, and has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.
- g) Probationary employees may be summarily dismissed by the Board and are not entitled to the protection afforded to other full-time officers by statute or these rules.
- h) All hearings shall be public, in accordance with the Open Meetings Act.
- i) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- j) All proceedings before the Board during the conduct of the hearing shall be recorded by a court reporter to be employed by the Board.
- k) The records of all hearings will not be transcribed by the court reporter unless requested to do so by the Board or any party of interest.
- l) All witnesses shall be sworn prior to testifying and the matter will be decided by the Board solely on evidence presented at the hearings.
- m) The Board will first hear the witnesses either substantiating the charges which have been made against the respondent or in support of an appeal brought by a suspended police officer. Thereafter the other party may present and examine those witnesses whom he desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

SECTION 2 - HEARING PROCEDURE

- a) **Complaints:** In all cases, written complaints shall be filed in quintuple, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) **Probable Cause:** The Board shall have the right to determine whether there is or is not probable cause for hearing a complaint and may conduct such informal hearings as may be necessary for such purpose.
- c) **Notification of Hearing:** Upon the filing of a complaint in quintuple with the Secretary of the Board, and the determination by the Board of probable cause for entertaining said complaint, the Secretary of the Board shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place of the hearing of the charges contained in the Complaint. The respondent shall also be served with a copy of the Complaint, and if an Order of Suspension Pending a Hearing is entered by the Board, the respondent, the complainant, the Chief of the Department, the treasurer, comptroller, manager, or other finance officer of the municipality shall be notified of the entry of such Order of Suspension Pending a Hearing, and be served either personally or by registered or certified mail, return receipt requested, with a copy of such Order.
- d) **Continuances:** The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Board.
- e) **Stipulations:** Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to evidenced guilt. The facts so stipulated shall be considered as evidence in the proceeding. In the event a respondent has been suspended pending a hearing and desires a continuance, it shall also be stipulated and agreed that in the event said respondent is to be retained in his position as a result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said respondent during the period of said continuance.
- f) **Sufficiency of Charges – Objections To:** Motions or objections to the sufficiency of written charges must be filed or made prior to or at the hearing before the Board.

SECTION 3 SUBPOENAS

- a) Any party town administrative hearing may, at any time before the hearing, make application to the Board by filing with it a written request for subpoenas for any individual' to appear for a hearing or have them produce books, papers, records, accounts and other documents as may be deemed by the Board to be relevant to the hearing. On the filing of

such application, subpoenas will be issued for the named persons. Subpoenas may be served by any person 21 years of age or older designated the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce. Subpoenas will not be issued for anyone residing outside the State of Illinois.

- b) Any request for continuance by reason of inability to serve subpoenas shall be filed in the office of the Board at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive this rule.

SECTION 4 - SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed with postage prepaid, to the designated party at his last known residence as reflected by the complaint filed with the Board, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

SECTION 5 - FILING

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

SECTION 6 - FORMS OF PAPER

- a) All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
- b) If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
- c) All papers shall be not larger than 8 ½ " by 11" with inside margins of not less than one inch.

- d) The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- e) If papers are filed by an attorney, his name and address shall appear thereon.

SECTION 7 - COMPUTATION OF TIME

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

SECTION 8 - SUSPENSION

- a) The Board may suspend any member of the Police Department against whom charges have been filed, pending a hearing of the charges by the Board, but not to exceed thirty (30) days without pay, at any one time.
- b) The Chief of the Police Department shall have the right to suspend any officer under his command for a period not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing within 24 hours of the time of such suspension. Any police officer so suspended may appeal to the Board for a review of the suspension within five (5) days after receiving notice of such suspension by filing notice of such appeal in writing with the Secretary of the Board of Fire and Police Commissioners. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department who suspended such police officer, and to the employee so suspended. The burden of establishing that a suspension is unwarranted shall be upon the individual bringing the appeal.
- c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the employee so suspended receive his pay for the period involved, may suspend the employee for a period of not more than thirty (30) days, or discharge him, depending on the evidence presented.

SECTION 9 - DISCHARGE OR SUSPENSION AFTER HEARING

- a) Discharge from office, or suspension from service in the Police Department shall be in compliance with the Fire and Police Commissioners Act of the State of Illinois, being Division 2, Sections 5/10-2.1-1 through 5/10-2.1-30, inclusive, of Chapter 65 of the Illinois Compiled Statutes.
- b) The Board shall, within a reasonable time after the hearing is completed, enter its findings on the records of the Board.

SECTION 10 - DATE OF HEARING

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

SECTION 11- FINDINGS AND DECISION

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

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

SECTION 12 - RULES - CONFLICT

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

SECTION 13 - VIOLATION OF RULES

All members of the Police Department shall be subject to the regulations of such Department, and the Rules of the Board, and a violation of such rules or regulations

may be cause for filing of charges before the Board, a subsequent hearing and action by the Board on such charges.

SECTION 14 - VIOLATION OF LAW

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

CHAPTER VII - GENERAL

SECTION 1

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

SECTION 2

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

SECTION 3

Amendments to the Rules of the Board may be made at any meeting of the Board. A notice shall be published, in a newspaper of general circulation in the municipality, specifying where such Rules are available for inspection. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall become effective.

SECTION 4 - LEAVE OF ABSENCE

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

SECTION 5 - POLITICAL CONTRIBUTIONS

No person in the Police Department of the Village of Frankfort, Illinois, shall be under any obligation to contribute any funds to render any political service, and no such person shall do so or be removed or otherwise prejudiced for refusing to do so. No person in the Police Department of the Village of Frankfort, Illinois, shall discharge or

promote or reduce, or in any manner change the official rank or compensation of any other person in such service, or promise or threaten so to do, for withholding or refusing to make any contribution of money or service or any other valuable thing for any political purpose, or in any other manner, directly or indirectly, use his official authority or influence to compel or induce any other person to pay or render any political assessment, subscription, contribution or service.

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Chicago Tribune Media Group does hereby certify that it is the publisher of the Daily Southtown. The Daily Southtown is a secular newspaper, has been continuously published Daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Park Forest, Township of Rich, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the Daily Southtown, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 10/13/2023, and the last publication of the notice was made in the newspaper dated and published on 10/13/2023.

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2. 1.

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Daily Southtown

In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

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PUBLIC NOTICE

Public Notice is hereby given to all persons concerned that on the 27th day of September, 2023, the Board of Fire and Police Commissioners of the Village of Frankfort, Illinois, voted to adopt new Rules and Regulations. Printed copies of the Board's new Rules and Regulations may be obtained from the Office of the Village Clerk, 432 W. Nebraska Street, Frankfort, Illinois or at www.frankfortil.org/government/boards_committees_commissions/police_fire_commissioners. The rules shall be effective on the 24th day of October, 2023.

/s/Deadra Woods Stokes,
Secretary
Board of Fire and Police
Commissioners
Dated: October 13, 2023

10/13/2023 7515135