

RULES AND REGULATIONS
of the
BOARD OF FIRE AND POLICE COMMISSIONERS
of the
CITY OF BLOOMINGTON, STATE OF ILLINOIS
(Amended June 29, 2021)

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**RULES AND REGULATIONS
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CITY OF BLOOMINGTON, STATE OF ILLINOIS**

As adopted by the Board of Fire and Police Commissioners of the City of Bloomington, Illinois, effective July 15, 2021, except as otherwise noted.

CHAPTER I – ADMINISTRATION

SECTION 1. SOURCE OF AUTHORITY

The Board of Fire and Police Commissioners of the City of Bloomington derives its power and authority from the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1-1 *et seq.*) and the ordinances of the City of Bloomington.

SECTION 2. DEFINITIONS AND RULES OF CONSTRUCTION

The word “Commission” and/or “Board” wherever used shall mean the Board of Fire and Police Commissioners of the City of Bloomington. The word “Officer” shall mean any person holding a permanent sworn officer position in the Police Department of the City of Bloomington. The word “Firefighter” shall mean any person holding a permanent sworn position in the Fire Department of the City of Bloomington. The phrase “Staff Liaison” shall mean any person appointed by the Human Resources Director to manage the business of the Commission. The masculine noun or pronoun includes the feminine. The singular includes the plural and the plural the singular. Section numbers listed in parenthesis herein are references to sections of the Board of Fire and Police Commissioners Act.

SECTION 3. OFFICERS OF BOARD AND THEIR DUTIES

The Board shall consist of three (3) members. The Board shall elect a Chairman. Such election can be requested by any member of the Board. The Chairman shall be the presiding officer at all meetings. Minutes shall be kept of all meetings of the Board and by the Human Resources Department shall be the custodian of all the forms, papers, books, records and completed examinations of the Board. (Section 10-2.1-2)

SECTION 4. MEETINGS

- (a) Regular meetings may be held monthly, notice shall be posted and meetings shall be open to the public.

- (b) Special meetings may be called by filing a written notice with the Staff Liaison, signed by any two members. The 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 meetings. Notice of special meetings shall be given in writing at least forty-eight (48) hours in advance of the meeting. Emergency meetings may be held on 24 hours notice.
- (c) Notice of all meetings shall comply with the requirements of the Open Meetings Act.

SECTION 5. QUORUM

A majority 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: (1) reading of the minutes, (2) communications, (3) unfinished business, (4) new business, and (5) adjournment.

SECTION 7. PARLIAMENTARY RULES

The parliamentary procedure prescribed in Robert's "Rules of Order" (revised) 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 ten (10) days subsequent to the date of such publication, when said Rules shall go into operation. (Section 10- 2.1-5)

CHAPTER II – FIRE DEPARTMENT - BOARD RULES FOR ORIGINAL APPOINTMENT

SECTION 1. VACANCIES

The recruitment for initial eligibility and the hiring process for the original appointments of all officers of the Fire Department of the City shall be delegated as the responsibility of the City Manager or his/her designee(s) in accordance with the rules and regulations promulgated by the City Manager for the recruitment, selection and hiring of such original appointments which shall be consistent with the general provisions on such appointments contained within 65 ILCS 5/10-2.1-6.3. The Fire Department process for original appointments shall be contained in the Administrative Directives.

SECTION 2. CERTIFICATION

Final certification of probationary firefighters shall be subject to:

- (1) Successful completion of the Basic Firefighters Operations course,
- (2) Admittance in the McLean County EMS System, and
- (3) Office of the State Fire Marshal, Division of Personnel Standards and Education Basic Operations Firefighter Certification,

all within the prescribed probationary period.

Failure to successfully complete these requirements constitutes grounds for discharge.

SECTION 3. PROBATION

- (a) Original fire appointees shall be on probation for a period of twelve (12) months after commencement of employment.
- (b) Time served on probation, whether continuous or not, shall be credited upon the period of probation. Probation members of the Fire Department may be discharged for any reason not prohibited by law and are not subject to the provisions of Section 17 of the Act.

Upon approval of the Board in accordance with 65 § 5/10-2.1-4, the head of the Fire Department may continue probation for a reasonable period to further evaluate the appointee to the extent allowed by law.

CHAPTER III – POLICE DEPARTMENT BOARD RULES FOR ORIGINAL APPLICATION

SECTION 1. VACANCIES

The recruitment for initial eligibility and the hiring process for the original appointments of all officers of the Police Department of the City shall be delegated as the responsibility of the City Manager or his/her designee(s). This process shall be in accordance with the rules and regulations promulgated by the City Manager for the recruitment, selection and hiring of such original appointments which shall be consistent with the general provisions on such appointments contained within 65 ILCS 5/10-2.1. The police department process for original appointments shall be contained in the Administrative Directives.

SECTION 2. PROBATION

- (a) Effective January 1, 2020, original police appointees shall be on probation until the completion of one (1) year of solo patrol.
- (b) The one-year probation period may be extended due to absences for extended medical conditions, military leave or availability of training.
- (c) Probationary members of the Police Department may be discharged for any reason not prohibited by law, and are not subject to the provisions of Section 10.2-1-17 of the Illinois Statue for Board of Police and Fire Commissioners.
- (d) Upon approval of the Board, the Police Chief may continue probation for a reasonable period to further evaluate the appointee to the extent allowed by law.

CHAPTER IV – POLICE PROMOTIONAL EXAMINATIONS

SECTION 1. CONFLICT WITH COLLECTIVE BARGAINING AGREEMENT.

In the event of any variation between the procedures set forth in this Chapter IV and a collective bargaining agreement which relates to promotions in the police department, the collective bargaining agreement shall control.

SECTION 2. GENERAL.

The Commission shall provide for promotion for Sergeants and Lieutenants 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 such examination, and all promotions shall be made from the three (3) having the highest rating. The Commission shall retain jurisdiction over the Lieutenant promotional process pursuant to the Police Benevolent and Protective Association Collective Bargaining Agreement

All officers who submit themselves to examination for Sergeant will be graded according to the following schedule:

Merit & Efficiency Rating (as determined by Police Chief)	10 points maximum
Seniority (1/2 point per year with a maximum of 10 years)	5 points maximum
Written Examination	40 points maximum
Assessment	30 points maximum
Oral Interview (A command member ranked Lieutenant or higher may sit as part of the interview panel.)	25 points maximum

Maximum Score before Military points: 110 points

Military credit will be applied as prescribed by Statute. Military credit may increase the maximum score beyond 110 points.

A person must have completed three years as an officer in the Bloomington Police Department prior to the commencement of the promotional process in order to be eligible to be examined for placement on the Register of Eligibles for the position of Sergeant.

The “final eligible register” will remain in force for three (3) years from the date of

posting.

SECTION 3. PROMOTIONAL EXAMINATIONS – CREDITS TO VETERANS

Pursuant to 65 ILCS 5/10-2.1-11, the Board shall give preference for promotional appointment to persons designated in Section 10-2.1-10 whose names appear on promotional eligibility registers by adding to the final grade average which they will receive as a result of any promotional exam 7/10 of one point for each 6 months or fraction thereof of military or naval service not exceeding 30 months.

SECTION 4. INJURIES

Officers receiving injuries while on duty or in the discharge of duty shall not be disqualified from promotion. When such injuries have occurred, the Police Chief shall notify the Commission in writing, stating the nature of the injuries and under what circumstances received.

SECTION 5. CONSOLIDATION OF LISTS

Should the Commission deem it advisable to supplement the number of names on any eligible register by holding another examination for the post, the register resulting from such supplemental examination shall be consolidated with the existing register and the names of eligibles shall take rank on such consolidated register in the order of the highest percentage obtained in either examination without reference to priority of time of examination. It shall be the duty of the Commission to notify persons on the existing list that a supplemental examination will be held and will result in a consolidation of the two (2) lists.

No examinations shall be given if a vacancy exists at that time and an eligibility list is in existence.

SECTION 6. REFUSAL

Any person whose name appears on an eligibility list may decline appointment one time and still maintain his position on the list, but in the event a person declines an appointment a second time, the Board may strike the name of such candidate from the eligibility list.

CHAPTER V - PROMOTIONAL PROCESS FOR FIRE BATTALION/ASST CHIEF

SECTION 1. GENERAL PROVISIONS

Promotions for Captains and Assistant/Battalion Chief shall be made on the basis of the criteria contained in the Local 49 Collective Bargaining Agreement and in accordance with the Firefighter's Promotions Act (50 ILCS 742/1 *et seq*) and the Board of Fire and Police Commissioners Act (65 ILCS 5/10-2.1 *et seq*). Vacancies shall be filled by appointment of candidates in rank order as they appear on the final eligibility register.

The final eligibility register shall, unless exhausted, remain in force for three years from the date of posting and may not be vacated, replaced by or consolidated with a subsequent register. In the event the Commission elects to begin the process for determining a successor register prior to the expiration or exhaustion of a current register, the successor register shall not become effective prior to the expiration or exhaustion of existing register.

SECTION 2. INITIAL APPOINTMENT

Initial appointment to fill vacant positions shall be made by the Commission and shall be for a period of one year. During the initial appointment period the Chief may request the Commission to terminate an employee's appointment and return the employee to their previous rank. Such termination of an initial appointment shall be made only when an employee has demonstrated substantial shortcomings in the performance of their duties. An employee who has an initial appointment terminated shall not be eligible for further appointment from the current register.

SECTION 3. REGULAR APPOINTMENT

At the conclusion of the one-year initial appointment, unless notified by the Chief of shortcomings, the employee shall then make their regular promotion to the rank of Assistant/Battalion Chief.

SECTION 4. REFUSAL OF INITIAL APPOINTMENT

Any candidate whose name appears on a final eligibility register may decline appointment one time and still maintain their position on the register. Any candidate who declines appointment a second time shall be disqualified from further consideration for appointment from that register.

SECTION 5. PASSING OVER A CANDIDATE ON THE LIST OF ELIGIBLES

The appointing authority has the right to pass over the top candidate on the list in the event there is significant evidence of shortcomings in the candidate's ability to

function as an Assistant/Battalion Chief or if misconduct on the part of the candidate is noted. If the shortcoming persists and another opening develops, the candidate may be passed over again and be removed from that list. This will not prohibit the candidate from taking later exams and ultimately being appointed from another list. In the event that a candidate is passed over, the Commission must document the reason why. Unless the shortcoming is not correctable, no candidate may be passed over more than one time. Any dispute over the passing over of a candidate or any other component of the promotional procedure may be brought before the Commission for resolution by decision of the Commission according to their rules and regulations.

CHAPTER VI – HEARING OF CHARGES, REMOVALS, SUSPENSIONS, DEMOTIONS AND DISCHARGES

SECTION 1 COLLECTIVE BARGAINING AGREEMENTS SHALL GOVERN

If the City and the labor organization representing the member of the fire or police department have negotiated an alternative or supplemental form of due process based upon impartial arbitration as a term of a collective bargaining agreement, that process shall govern.

If the member is not represented by a labor organization, such as the chief of the fire or police department or deputy and battalion chiefs of the fire department, these Rules shall govern.

SECTION 2. DEFINITIONS

- (a) “Board” as used herein means the Board of Fire and Police Commissioners.
- (b) “Cause for discharge” means 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.
- (c) “Cause for discipline” means some act or omission for which suspension, demotion or other discipline would not be arbitrary, unreasonable or unrelated to the requirements of the service.
- (d) “Complainant” means the party initiating any proceeding before the Board, including the appellant initiating an appeal hearing to determine whether a previously-imposed suspension by the Chief of the department was unwarranted
- (e) “Counsel” means an attorney authorized to practice law in the state of Illinois.

SECTION 3. SUSPENSION

- (a) The Board may suspend any member of the Fire or 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. This time may be extended at the request of the officer and an agreement to waive salary during such time.
- (b) The Chief of Fire or Police Department shall have the right to suspend any officer under his command for a period of not to exceed five (5) days, providing no charges on the same offense have been filed and are pending before the Board, and he shall notify the Board in writing. Any policeman or fireman so suspended may appeal to the Board for a review of the suspension within five working days after such suspension by filing notice of such appeal in writing with the Staff Liaison. A hearing shall be had upon such appeal, and due notice given to the Chief of the Department that suspended such officer, and to the officer so suspended in the same manner as if

charges were originally filed before the Board. Nothing in this Section shall be interpreted as infringing on the ability of a Chief to suspend for a longer period of time if a collective bargaining agreement so permits.

- (c) Upon such appeal, the Board may sustain the action of the Chief of the Department, may reverse it with instructions that the officer so suspended receive his pay for the period involved, may partially reverse the action of the Chief with instructions that the officer receive his pay for any period of suspension shortened by the Board, may suspend the officer for an additional period of not more than thirty (30) days, or discharge him, depending on the evidence presented.
- (d) The Chief of the Fire or Police Department, when the efficiency of the Department demands immediate suspension of an officer, may suspend an officer for up to five (5) days without pay pending the filing of charges with the Board; such a temporary suspension shall not be deemed to be the only discipline which may be imposed or preclude the Board from imposing other discipline, including discharge.

SECTION 4. DISCHARGE AND REMOVAL

No officer or member of the fire or police department shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his/her defense.

SECTION 5. DISCHARGE OR REMOVAL OF CHIEF OF THE DEPARTMENT

The chief of the fire department and/or police department may be removed or discharged by the City Manager. The City Manager shall file with the City Council the reasons for such removal and discharge. Removal and discharge shall not become effective unless confirmed by a majority vote of the City Council.

SECTION 6. VIOLATIONS

- (a) All members of the Fire and Police Departments shall be subject to the Rules and Regulations and general orders of such departments, and the Rules and Regulations of the Board. Violations of such Rules or Regulations and general orders shall be cause for the filing of charges before the Board, a subsequent hearing and action by the Board of such charges
- (b) Any violation of the laws of the municipality or state or federal law by any member of the Fire or Police Department of such municipality shall be cause for the filing of charges against said officer.

SECTION 7. HEARINGS BEFORE THE BOARD

- (a) The Board shall conduct a fair and impartial hearing of the charges within thirty (30) days of the filing thereof, which may be continued from time to time upon motion of any party to the proceeding by order of the Board, but after thirty (30) days only by

written concurrence of complainant and respondent.

- (b) All hearings shall be public, except as may be provided in the Open Meetings Act.
- (c) Parties may be represented by counsel at the hearing.
- (d) Each Board Member shall have the power to administer oaths and affirmations.
- (e) The board shall have the power to secure by its subpoena both the attendance testimony of witnesses and the production of books and papers relevant to the hearing.
 - i. The complainant or respondent may at any time before the hearing make application to the Board by filing with it a written request for subpoenas.
 - ii. 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.
 - iii. Subpoenas will not be issued for anyone residing outside the State of Illinois.
- (f) All hearings shall be recorded by a reporter employed by the Board.
- (g) The board will first hear the evidence substantiating the charges filed against the respondent. Thereafter, the respondent may present evidence and examine witnesses. All parties shall have the right to cross-examine witnesses.

SECTION 8. NOTICE AND PROCEDURE REQUIREMENTS

- (a) **Complaints.** In all cases, written complaints shall be filed, setting forth a plain and concise statement of the facts upon which the complaint is based.
- (b) **Filing.** All papers may be filed with the Board by mailing them or delivering them personally to the Staff Liaison at City Hall, Bloomington, 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 mailed, then the filing date shall be the date which is postmarked on the envelope of such paper.
- (c) **Forms of Paper.** All papers filed in any proceeding before the Board shall be printed, double-spaced, and one-sided. If papers are filed by counsel, his/her name shall appear thereon.
- (d) **Probable Cause.** The Board shall have the right to determine whether there is probable cause for hearing a complaint and may hold informal hearings for such purpose. Such meetings may be closed.

- (e) **Motion or Objection** to the sufficiency of the charges must be made prior to or at the hearing before the Board.
- (f) **Notification of Hearing.** Upon the filing of a complaint with the Staff Liaison, and a finding by the Board of probable cause for the filing of the complaint, the Staff Liaison shall notify both the complainant and respondent personally or by (1) registered or certified mail, return receipt requested or (2) personal service of the time and place of the hearing on the charges contained in the complaint. The respondent shall also be served with a copy of the complaint, and if an Order of Suspension is entered by the Board, the respondent, the complainant, and the Chief of the Department shall be notified of the entry of such Order of Suspension, and be served personally or by registered or certified mail, return receipt requested, with a copy of such Order of Suspension.
- (g) **Service.** All papers required by these Rules 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/her last known residence as reflected in 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.
- (h) **Continuances.** The matter of granting or denying continuance of a hearing is within the discretion of the Board. No hearing shall be continued at the request of any party, unless such request is either made orally to the Chairman of the Board, or received in writing at the Board's offices at least three (3) days in advance of the hearing. The board has the discretion to waive notice requirements for a request of continuance by reason of inability to serve subpoena. In the event a member or officer requests a continuance, it shall be stipulated and agreed that in the event said officer is to be retained in his/her position as the result of a decision of the Board following a hearing of the cause, then no compensation shall be paid to said officer during the period of said continuance.

SECTION 9. FINDINGS

- (a) The Board shall, within fifteen (15) days after the hearing is completed, enter its findings on the record.
- (b) If an officer or member is found guilty, the Board may discharge him/her or suspend him/her for no more than 30 days without pay. If the Board finds that the charges are not sustained, the officer or member shall be reimbursed for all wages and benefits withheld, if any.
- (c) No rehearing, reconsideration, modification, vacation or alteration of a decision of

the Board can be allowed.

- (d) Discharge from office, suspension, or demotion shall be in compliance with the Board of Fire and Police Commissioners Act of the State of Illinois, being Division 2.1 of Chapter 65, Act 5 of the Illinois Compiled Statutes, any applicable collective bargaining agreement, and the Bloomington City Code, whichever provision governs.

SECTION 10. EVIDENCE

- (a) The complainant has the burden of proof to establish that cause does exist by a preponderance of evidence. "Preponderance of the evidence" means 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.
- (b) All witnesses shall be sworn by the Chairman of the Board or a person acting in his behalf prior to testifying.
- (c) Parties may stipulate and agree in writing, or on the record, to a continuance or as evidence. The facts so stipulated shall be considered as evidence in the proceeding.
- (d) The Board shall decide the manner in which evidence is presented.
- (e) The Code of Civil Procedure does not apply to hearings before the Board.

SECTION 11. 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 12. APPEALS OF FINAL ADMINISTRATIVE DECISIONS OF THE BOARD

The provisions of the Administrative Review Law shall apply and govern all proceedings for the judicial review of final administrative decisions of the Board.

CHAPTER VII – GENERAL

SECTION 1.

All officers and members of the Fire and/or Police Departments shall observe and obey all Rules and Orders of the Board of Fire and Police Commissioners which are in force or which may be adopted hereafter as well as all Rules and Regulations for the operation of a Fire and/or Police Department, and ordinances as adopted by the City Council in force or which may be adopted hereafter.

SECTION 2.

The Board of Fire and Police Commissioners shall have such other powers and duties as are given it by the Statutes of the State of Illinois and the ordinances of the City of Bloomington.

SECTION 3.

Any chapter, sections and/or subsections of the foregoing Rules and Regulations for the operation of the Board of Fire and Police Commissioners that are in conflict with the state statutes that preempt home-rule authority, Union Collective Bargaining Agreements or ordinances of the City of Bloomington as heretofore or hereafter amended are null and void. This, however, does not invalidate any other chapters, sections and/or subsections of said Rules.

SECTION 4.

Amendments to the Rules and Regulations 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 where such Rules are posted. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication when said Rules shall go into operation.

APPROVED this 23 day of July 2021.

CITY OF BLOOMINGTON BOARD OF
FIRE AND POLICE COMMISSIONERS

By: Ellen Schroeder-Conklin
Chairman