

**RULES AND REGULATIONS  
OF THE  
BOARD OF FIRE AND POLICE  
COMMISSIONERS**

Amended ~~June 23, 2014~~ December 15, 2014  
Effective ~~July 11, 2014~~ December 29, 2014

**RULES AND REGULATIONS OF  
THE BOARD OF FIRE AND POLICE COMMISSIONERS**

**TABLE OF CONTENTS**

PREAMBLE ..... 1

ARTICLE I. CONDUCT OF MEETINGS – DUTIES OF MEMBERS ..... 1

    Section A. Officers ..... 1

    Section B. Clerk ..... 2

    Section C. Meetings ..... 2

    Section D. Quorum..... 2

    Section E. Closed Meetings or Sessions ..... 2

    Section F. Agenda..... 2

    Section G. Order of Business ..... 3

    Section H. Voting..... 3

    Section I. Motions..... 3

    Section J. Amendment to Rules ..... 3

    Section K. Annual Reports and Budget ..... 4

ARTICLE II. APPOINTMENTS AND PROMOTIONS ..... 4

    Section A. Generation of Eligibility Lists ..... 4

        1. Testing Schedule ..... 4

        2. Testing Process ..... 5

            a. Entry-Level Examinations ..... 5

            b. Promotional Examinations..... 6

        3. Certification of List..... 7

        4. Promotional Eligibility..... 7

        5. Veterans Preference Points–Entry-Level Police Officer or Firefighter .7

        6. Educational Preference Points–Entry-Level Police Officer ..... 7

        7. Preference Points–Entry-Level Firefighter ..... 7

Section B. Removal from List – Reinstatement.....	8
1. Reasons for Removal .....	8
2. Methods for Removal .....	9
3. Methods for Reinstatement .....	9
Section C. Selection and Appointment Procedures .....	9
1. Selection from List.....	9
2. Materials in Support of Selection .....	10
3. Drug Testing .....	10
4. Appointment .....	10
Section D. Promotional Appointments.....	10
1. Selection from List.....	10
2. Materials in Support of Selection .....	10
3. Appointment .....	11
ARTICLE III. CONDUCT OF DISCIPLINARY HEARINGS.....	11
Section A. General Procedures.....	11
1. Filing .....	11
2. Service.....	12
3. Computation of Time.....	12
Section B. Pre-Hearing Procedures.....	12
1. Notice to Board .....	12
2. Mandatory Filing by Parties.....	12
a. Written Charges .....	12
b. Written Charges for Employees not Members of Bargaining Units .....	13
c. Subpoenas .....	13
d. Documents .....	13
3. Enforcement of Board Orders or Subpoenas .....	14
4. Pre-Hearing Motions.....	14
5. Legal Counsel .....	14
Section C. Conduct of the Hearing .....	14
1. Commencement of Hearing .....	14
2. Press and Public Attendance .....	14
3. Hearing Officer .....	15
4. Board Attendance at Meetings.....	15
5. Court Reporter .....	15
6. Witnesses .....	15
7. Affidavits .....	16
8. Stipulations .....	16
9. Order of Presentation .....	16
10. Opening and Closing Statements and Arguments .....	16

Section D. Decisions by the Board.....16

- 1. Deliberations .....16
- 2. Decisions.....16
- 3. Re-hearings .....16
- 4. Motion to Withdraw Grievance .....17

# RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS

## PREAMBLE

The Board of Fire and Police Commissioners of Champaign, Illinois, hereafter referred to as the "Board," was created by the City Council of the City of Champaign to conduct examinations and prepare eligibility lists for the original appointment of firefighters and police officers and for promotion within the Champaign Fire and Police Departments. The Board derives authority from the Illinois statutes, city ordinances and its own rules. In addition, the Board may be called upon to hear and decide disputes between the commissioned officers of the Fire or Police Departments and, where appropriate, the respective bargaining agents for employees within those departments regarding disciplinary actions such as the suspension or discharge of an employee. These latter duties arise from the Collective Bargaining Agreements between the City and the respective bargaining agents which agreements are adopted by Ordinance by the City Council of the City of Champaign.

The Board consists of three (3) members appointed by the Mayor with the consent of the City Council. These members serve three (3) year terms. The terms are overlapping with one (1) member's term expiring every June 30. The members may be reappointed.

These rules consist of three (3) articles. Article I regulates the conduct of meetings and duties of members. Article II regulates the creation of lists for original appointment and promotion. Article III regulates the conduct of disciplinary hearings.

## ARTICLE I. CONDUCT OF MEETINGS-DUTIES OF MEMBERS

### Section A. Officers

The Board shall elect annually at its first meeting after June 30 of each year from among themselves the following officers:

1. Chair

The Chair of the Board shall preside over all meetings of the Board.

2. Vice-Chair

The Vice-Chair shall assume the Chair's duties in the absence of the Chair.

3. Secretary

The Secretary shall authenticate all official transactions to the Board.

## Section B. Clerk

The Director of Human Resources of the City of Champaign, or his/her designee shall serve as Clerk of the Board and shall:

1. Keep the minutes of the Board meetings.
2. Be the custodian of all papers pertaining to the business of the Board.
3. Keep a record of all examinations conducted.
4. Perform other duties which the Board may prescribe.

## Section C. Meetings

Regular Meetings of the Board shall be held on the 4th Monday of each month of the year in the City Council Chambers of the City Building, 102 North Neil, Champaign, unless otherwise announced.

Either the Chair of the Board or the other two members of the Board collectively may call special meetings of the Board by notifying the Clerk at least 48 hours prior to the time of the special meeting. Special meetings shall be held at such places and times as provided in the notice of said meetings.

Upon notification by two members of the Board to the Clerk, any meetings of the Board may be canceled. The Clerk shall provide appropriate notice of any cancellation.

## Section D. Quorum

A quorum shall consist of two Board members.

## Section E. Closed Meetings or Sessions

All Regular Meetings of the Board shall be open to the public; provided, however, that the Board may close meetings or portions of meetings as provided for in the State Open Meetings Act. Meetings shall also be closed to the public as provided in a relevant collective bargaining agreement, provided that such closure is in accordance with the State Open Meetings Act.

## Section F. Agenda

1. The Clerk of the Board shall prepare an agenda for every meeting of the Board. The agenda for each regular meeting shall be mailed on the 3rd Wednesday of each month to members of the Board, the City Clerk, the Chiefs of respective departments and presidents of local bargaining units representing commissioned employees within the Fire and Police Departments.

2. The Clerk shall include with the agenda written materials relevant to agenda items.
3. Except for routine agenda items, members may provide items to the Clerk for addition to the agenda by providing those items, in writing, to the Clerk on or before the third (3rd) Monday of any month.

#### Section G. Order of Business

At any regular meeting, the Board shall proceed to transact the business before it in the following order:

1. Call to Order
2. Approval of Minutes
3. Correspondence
4. Old Business
5. New Business
6. Agenda Planning
7. Audience Participation
8. Adjournment

The Chair may permit such other and further audience participation as he/she deems appropriate.

#### Section H. Voting

All issues or matters to be determined by vote shall be determined by the vote of a simple majority. Roll call votes are not necessary; however, the Clerk shall record each vote by number.

#### Section I. Motions

Motions shall be permitted and accommodated consistent with the Rules of Order of the Champaign City Council (Sections 2-65, 2-66 and 2-67 of the Municipal Code of the City of Champaign).

#### Section J. Amendment to Rules

1. Board members may propose amendments to the rules of the Board. Amendments require the affirmative vote of two (2) members of the Board.

2. The Board, in an effort to solicit information from all concerned, will provide in writing proposed amendments of the rules to the Director of Human Resources, the City Manager, the City Attorney, the Chiefs of the respective departments and presidents of local bargaining units representing the commissioned employees within the Fire and Police Departments no fewer than seven (7) calendar days prior to their consideration by the Board.
3. Notice of any amendment shall be published in a local newspaper no fewer than ten (10) days prior to the effective date of the amendment.
4. The Board may, in conjunction with any rule change, take action consistent with the rule change provided that the effective date of the action taken is the same or later than the effective date of the rule change.

Section K. Annual Reports and Budget

1. During the month of February, the Director of Human Resources will present a draft of the Board's budget. The Board will review this draft before it is forwarded to the City Manager for Council action.
2. The Board will produce an Annual Report during September of each year stating the mission and the activities of the Board for that year.

## ARTICLE II. APPOINTMENTS AND PROMOTIONS

Section A. Generation of Eligibility Lists

The Board is responsible for the creation of lists of candidates for entry-level and promotional appointments in accordance with the rules.

1. Testing Schedule
  - a. The Board will maintain a three (3) year calendar of testing cycles. At the December meeting each year, the Board will review the calendar.
  - b. On or before January 31 of each year, the Board will transmit to the Chief of Police and the Fire Chief a schedule of the approximate dates that tests will be administered for the purpose of generating eligibility lists for original appointments and promotions during that calendar year.

- c. At least six (6) months prior to the expiration of promotional lists, the Board will select and approve all test components and assign relative weights to each component. At least nine (9) months prior to the expiration of the original appointment list for firefighter and police officer, the Board will select and approve all test components and assign relative weights to each component.
- d. Exact dates for the administration of tests will be established and transmitted to the Chief of Police and the Fire Chief at least thirty (30) days prior to the date of the tests.
- e. The Clerk shall be directed to publish notice of the time and place of entry-level examinations in a local newspaper of general circulation as well as such other publications the Board deems appropriate.
- f. Testing will be completed so that eligibility lists may be certified -by the Board prior to the expiration of the date of the previous list. However, the failure of the Board to certify a new list shall not extend the validity of the prior lists. In addition, the failure by the Board or Clerk to strictly adhere to the time limits established for testing shall not affect the validity of the testing process.
- g. For promotional examinations, candidates will register with the Human Resources Department no less than seven (7) calendar days before the written examination.

## 2. Testing Process

### a. Entry-Level Examinations

- (1) Entry-level test components may consist of, but not necessarily be limited to, the following:
  - i. Mandatory orientation.
  - ii. A written examination.
  - iii. A physical ability test.
  - iv. An oral examination.
- (2) An entry-level police officer candidate must pass all portions of the physical ability test to receive a passing score on that test.

- (3) Only those police officer candidates with the top one hundred (100) passing scores in the written examination are eligible to proceed further. The Chief may request that a standard passing score be observed in lieu of the rule of one hundred (100) if the diversity of the top one hundred (100) candidates does not adequately reflect the diversity of the community.
- (4) An entry level candidate for police officer must pass the physical ability test in order to be eligible to proceed in the testing process
- (5) The Clerk is directed to notify candidates to provide the Clerk with required documents to establish eligibility for testing and/or preference points. Documents will be requested at appropriate points in the testing process, and may include, but not necessarily be limited to, the following:
  - i. High school diploma or equivalent.
  - ii. Personal history questionnaire.
  - iii. Release forms to permit the background investigation and personal reference checks as well as employment reference checks.
  - iv. College transcripts (optional).
  - v. Form DD214 (if the candidate wishes credit for military service).

b. Promotional Examinations

Each component of the examination process is separate and distinct from the others. Results of each component will remain confidential until the process is complete.

- (1) Promotional level tests may consist of, but not necessarily be limited to, the following:
  - i. A written examination.
  - ii. An oral examination.
  - iii. Departmental ratings.
- (2) The Board shall direct the Clerk to prepare and post a list of reading materials to assist in preparation for the written examination no later than ten (10) weeks prior to the test.

- (3) Scoring methods and instruments for departmental merit ratings must be approved by the Board.

3. Certification of List

Upon the completion of the examinations to which points or percentages are assigned, the Board shall generate and certify a list of eligible candidates in rank order with the highest Total score appearing first.

4. Promotional Eligibility

- (i) To be eligible for ranking on a promotional list, Police Officers and Police \_\_\_\_\_ Sergeants must have completed probation in their current rank and have a minimum of three years of experience with the Champaign Police Department by the date \_\_\_\_\_ of the later of the written or oral examination.

Officers hired through the Experienced Officer Program must have Class A status with a minimum of two years of experience with the Champaign Police Department.

- (ii) To be eligible for ranking on a promotional list, members of the Fire Department must have completed probation in their current rank as of the date of the first of the written or oral examination, or equipment test.

5. Veteran's Preference Points - Entry-Level Police Officer or Firefighter

In order to receive credit for veteran's preference points, candidates must provide Form DD214 to the Clerk. The Clerk is directed to inform all candidates of this rule.

6. Educational Preference Points – Entry-Level Police Officer

Persons who have successfully obtained an Associate's Degree in the field of Law Enforcement, Criminal Justice, Fire Service or Emergency Medical Services, or a Bachelor's Degree from an accredited college or university, or persons who have been awarded a certificate attesting to the successful completion of the Minimum Standards Basic Law Enforcement Training Course as provided in the Illinois Police Training Act and are currently serving as a law enforcement officer on a part-time or a full-time basis within the State of Illinois must provide evidence of such degree or certificate, as well as evidence of employment if applicable, within ten (10) days of the posting of the tentative eligibility list. Candidates which are eligible for veteran's preference points are not eligible for educational preference points. The Clerk is directed to inform all candidates of this rule.

7. Preference Points – Entry-Level Firefighter

In compliance with preference point guidance described in State of Illinois Public Act 97-251 (Firefighter Hiring Act), 65 ILCS 5/10-2.1-6.3, “Original appointments, full-time fire department”, the Board will review and approve preference point categories and point values at least nine (9) months prior to the expiration of the original appointment eligibility list for firefighter.

Section B. Removal from List - Reinstatement

1. Reasons for Removal

After a list has been certified, the Board may remove names from the list at the request of the Fire or Police Chief or upon its own motion. If no motion or request for removal is offered, the candidate remains on the list. Such removal may be appealed by the person so removed. The appeal shall be a request to the Board for reinstatement.

Reasons for removal of a name from the Police Officer eligibility list are:

- a. A candidate requests removal.
- b. The Board has voted to appoint the candidate pursuant to Article II.C.4.
- c. A candidate has informed the Department that he/she will not accept an appointment, if offered.
- d. A candidate has not cooperated in the selection process.
- e. A candidate has been convicted of a crime that would be a felony under the laws of the State of Illinois.
- f. Pursuant to testing under Article II.C.3, a candidate has tested positive for the presence of a controlled substance for which the candidate does not have a prescription from a licensed physician.
- g. A candidate cannot, upon reasonable inquiry, be located.
- h. A candidate was dismissed for cause from a public service or other fire or police department.
- i. A candidate was dishonorably discharged from military service.
- j. A candidate has a history of poor work performance or poor character references.
- k. A candidate has practiced deception in the application.
1. A candidate has a record of the misdemeanor convictions and/or conditions for either application or appointment listed in Chapter 24, para

10-2.1-6. of the Illinois Revised Statutes.

- m. A candidate is unable to perform the duties of police or fire service for other reasons not specifically listed above.

Reasons for removal of a name from the Firefighter eligibility list will be according to State of Illinois Public Act 97-251 (Firefighter Hiring Act), 65 ILCS 5/10-2.1-6.3

## 2. Methods for Removal

- a. The Police Chief for entry-level or promotional lists in the Police Department, or Fire Chief for entry-level or promotional lists in the Fire Department, or the Board on its own motion, may request that a name be removed from the list. A portion of a regularly-scheduled meeting, or a special meeting, shall be identified for consideration of a Chief's request. The individual identified shall be sent a written notice to the address given on his/her application of the meeting and the reasons for the requested removal. The Board shall then determine if the Chief or movant has shown that one or more of the disqualifying conditions listed in B.1. above exists. The individual may contest only the existence of the condition. Should the individual's name be removed, the individual identified shall be sent a written notice of such removal by the Clerk within seven (7) days of the Board action at the address last shown upon the City's records.
- b. When an individual has been appointed to an entry-level position or to a promotional position, and the Board has issued a commission to such individual, the Clerk of the Board shall automatically remove such individual's name from the entry-level or promotional list, as the case may be, without formal Board action or further notice.

## 3. Methods for Reinstatement

An individual may petition the Board for reinstatement upon an eligibility list when the cause or causes for removal have been cured. The individual shall provide the Board and the appropriate Chief with reasons, in writing, why he or she is no longer ineligible to be included upon the list. This petition may be filed at any time while the list from which the individual was removed remains in effect. Upon receipt of the petition, the Board shall schedule a time and date when the petitioner might be heard to determine if the reason or reasons for removal have indeed been cured. The petitioner must show by a preponderance of evidence that the causes for removal no longer exist. If the petitioner is reinstated, he or she resumes the rank on the list previously held.

## Section C. Selection and Appointment Procedures

The following are the rules of the Board regarding the selection and qualification procedures which must be followed prior to the issuance of a commission by the Board:

1. Selection from List

The appropriate Chief shall interview and select from among the candidates on the list in accordance with the City Code and applicable law. Police Officer candidates must pass a physical abilities test as a condition of hire. Firefighter candidates must provide current documentation of required physical ability certification at time of hire.

2. Materials in Support of Selection

The Board shall review materials tendered by the Chief in support of a candidate in order to determine the fairness of the selection process. The Board may consider the following materials to be sufficient for its review of the selection:

- a. A brief written statement of the reasons for the selection.
- b. Interview notes for all candidates interviewed.

3. Drug Testing

The individual selected by the Chief shall undergo blood and urine testing as determined by the Board for the presence of any controlled substance within the candidate's system without a prescription from a licensed physician. Presence of such controlled substance will automatically disqualify the candidate from further consideration.

4. Appointment

The Board shall appoint by motion the individual selected by the Chief unless the selection seriously undermines the fairness of the entire selection process. If the motion passes, the appointment shall be witnessed by a written commission executed by the Board and issued by the Clerk. The appointment shall be contingent on the individual passing a medical exam as determined by the Chief.

Section D. Promotional Appointments

1. Selection from List

The appropriate Chief shall interview and select from among the number of candidates on the list in accordance with the City Code or applicable collective bargaining agreement.

2. Materials in Support of Selection

The Board shall review materials tendered by the Chief in support of a candidate in order to determine the fairness of the selection process. The Board shall consider the following materials to be sufficient for its review of the selection:

- a. A brief written statement of the reasons for the selection.
  - b. Interview notes for all candidates interviewed.
3. Appointment

The Board shall appoint by motion the individual selected by the Chief unless the selection seriously undermines the fairness of the entire selection process. If the motion passes, the appointment shall be witnessed by a written commission executed by the Board and issued by the Clerk.

### ARTICLE III. CONDUCT OF DISCIPLINARY HEARINGS

The authority to suspend or discharge any commissioned employee of the Police Department or Fire Department is provided to each respective Chief through ordinances adopting the collective bargaining agreements between the City and the respective bargaining units for those ranks covered by the labor agreements. Individuals of rank not subject to the labor agreements who have access to the Board for hearings under the Illinois Revised Statutes will be subject to the following rules. The Board has no independent authority to hear or decide disciplinary measures regarding bargaining unit employees beyond that accorded the Board by said ordinances.

Further, the bargaining agreements describe the procedures used to file a grievance (the mechanism used by an employee to protest the Chiefs disciplinary action) and place limits on the employee's access to a hearing before the Board.

One goal of the disciplinary section of the bargaining agreements is to settle grievances at the lowest level possible. For that reason, grievances must follow the procedures or steps described in the collective bargaining agreements. The types of grievances and the party permitted to bring grievances to the Board are also spelled out in the labor agreements. Unless otherwise provided for in the collective bargaining agreement, the hearing before the Board is a de novo proceeding where the City has the burden of proving sufficient facts to support the conclusion that certain rules were violated, and that those violations warrant the extent of discipline imposed.

The hearing before the Board is considered a process which begins when the Board assembles for the first time to determine the nature, scope, timing, length, need for pre-hearing motions, and subpoenas, or other matters concerning the hearing. It is possible that the hearing can be completed in the course of a single meeting. The hearing is not complete until the Board has made its finding.

#### Section A. General Procedures

##### 1. Filing

All papers may be filed with the Board by mailing them or delivering them personally to the Clerk's office at the Human Resources Department of the City of Champaign, Illinois. For the purpose of these Rules and Regulations, the filing

date of any paper shall be the date it was received in the Clerk'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 shall be the date which is postmarked on the envelope of such paper.

2. 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.

3. 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 B. Pre-hearing Procedures

1. Notice to Board

The Clerk shall immediately forward written notification to the Board of any appeal to the Board. A copy of such notification shall be provided to the employee/grievant and the Chief.

2. Mandatory Filings by Parties

Within five (5) working days after the date of notification by the Clerk that the grievance is being appealed to the Board, the City and the grievant or the agent for the bargaining unit shall furnish to the Board, with copies to all other parties, the following:

a. Written Charges.

The Chief of Police or the Fire Chief must provide in writing the nature of the charges against the employee, including a recitation of specific rules which the employee is alleged to have violated, the date and time of such occurrence insofar as possible, and the recitation of the alleged act or acts that violated the rule or rules resulting in the discipline.



b. Written Charges for Employees Not Members of Bargaining Units.

(1) Removal or Discharge.

Charges supporting the discharge or removal of an officer not covered by a collective bargaining agreement shall be filed with the Board at the time and in the manner specified by Chapter 24 para 10-2.1-17 of the Illinois Revised Statutes.

(2) The ruling of the Board shall be in accordance with the penalties and procedures described in Chapter 24 para 19-2.1-17 of the Illinois Revised Statutes.

(3) Suspension

Appeals shall be made in the time and manner described in chapter 24 para 10-2.1-17.

(4) The ruling of the Board shall be in accordance with the penalties described in Chapter 24 para 10-2.1-17 of the Illinois Revised Statutes.

c. Subpoenas.

Either party may request that the Board issue subpoenas to compel the appearance or testimony of a witness at the hearing or the production of specific, named documentation in the possession or under the control of the witness. The person requesting the subpoena shall be responsible for its service. The Board may require an explanation of the relevance of the appearance, testimony or documents before issuing a subpoena. The appropriate form for subpoena is provided as an appendix to these rules.

A party may request the issuance of subpoenas beyond the five (5) day limit established above. Any request for continuance by reason of inability to serve subpoenas shall be filed with the clerk at least three (3) days before the date set for such hearing, provided, however, that the Board in its discretion may waive the three (3) day limit for good cause shown.

d. Documents.

In addition to requests for subpoenas, either party may request the production of specific documents from the other party which are intended for use at the hearing for any purpose. Requests for that information shall be made in writing to the Board, and hearings on those requests may be conducted by the hearing officer or the Board. The Board shall only order further or other discovery at its discretion.

3. Enforcement of Board Orders or Subpoenas.

Either party may file a pre-hearing motion to the Board for the enforcement of any order or subpoena of the Board. The Board shall determine if court enforcement of any of its orders is appropriate, and proceed as it determines. Any costs (including the costs of the Board's attorney) arising out of enforcement of Board orders or subpoenas shall be paid by the party requesting said enforcement. However, if the person subpoenaed is an employee of the City and is ordered to comply, the City shall bear the cost of enforcement.

4. Pre-hearing Motions.

In the event that motions to enforce Board orders, motions to quash subpoenas, motions to quash orders to produce documents or other motions become necessary, the moving party shall provide a written motion to the Board at least seven days (7) prior to the date on which the motion is requested to be heard. The Board shall then schedule a special meeting or meetings or a portion of a regular meeting for the purpose of hearing the motions and rendering a decision on the motions.

5. Legal Counsel.

Within three (3) days of the receipt of the formal charges; the Clerk of the Board shall contact the City Attorney, who shall determine whether the Legal Department of the City of Champaign will represent the Board, or prosecute the charges on behalf of the City. The City Attorney shall contact the Board regarding the decision within five (5) working days after the date of notice. If the City Attorney decides to prosecute the charges before the Board, the Board shall retain independent counsel to represent the Board during the hearings.

Section C. Conduct of the Hearing.

1. Commencement of Hearing.

The Board shall convene in open session prior to the commencement of any hearing. When and as required by the collective bargaining agreements, the Board shall, on its motion, close the meeting for the purposes of considering all issues regarding the pending discipline of a sworn officer.

2. Press and Public Attendance.

If the hearings are to remain open to the public, recordings or videotaping of the proceedings will be allowed with the following exceptions and restrictions:

- a. The Board may impose reasonable restrictions on the placement or movement of any equipment.

b. Any witness may decline to be filmed or videotaped while testifying, and the Board shall honor that request.

3. Hearing Officer.

The Board shall select a hearing officer to preside over the taking of testimony and admission of other evidence. The hearing officer shall rule on matters delegated by the Board. Matters delegated to the hearing officer shall be decided prior to the commencement of each hearing. The Board shall rule on all matters not delegated to the hearing officer.

The rules of evidence as established by the State of Illinois for proceedings in Court may be substantially relaxed in order to afford a full presentation of the facts for consideration by the Board. The hearing officer may direct questions to any person testifying. The hearing officer shall be granted the power to administer oaths and affirmations on behalf of the Board. The Board may from time to time meet in closed session to consult with the hearing officer.

The Board may request that the hearing officer prepare an executive summary of the evidence in the case. The Board may, in addition to or in place of an executive summary, review the written record of the proceedings prior to and during its deliberations.

4. Board Attendance at Hearings.

a. It is anticipated that Board members shall attend the hearing in its entirety. However, failure of any Board member to attend any hearing or session thereof, shall not affect the validity of the hearing nor the ability of such member to act or vote on the matter.

b. In absence of either a quorum or in the instance of tie votes, the hearing officer shall rule with respect to the taking of testimony and on admission of evidence.

5. Court Reporter.

A court reporter shall be retained by the Board to record all evidence and arguments in the hearing. The Board may request that a transcript be prepared prior to its deliberations. Either party may request a transcript of all or any portion of the proceedings at the cost of the requesting party.

6. Witnesses.

All witnesses shall be sworn. The parties shall have full opportunity to examine and cross-examine each witness testifying before the Board. Either party may request the Board to compel testimony by any witness regardless of the party initially calling the witness to testify.

7. Affidavits.

Either party may tender sworn affidavits in lieu of testimony at any hearing. Said affidavits must be provided to the Board and the other party at least seven (7) days prior to the hearing wherein the affidavit is to be considered. The weight to be given to evidence provided through affidavits shall be determined by the Board in light of the fact that cross-examination of affiants may not be available.

8. Stipulations.

The parties may tender written stipulations signed by both parties to the Board regarding any issue before the Board. The Board shall consider the written stipulations of the parties to be conclusive regarding the issues contained in the stipulations.

9. Order of Presentation.

In discipline matters brought before the Board under the provisions of one of the collective bargaining agreements, the City shall have the burden of proving by a preponderance of the evidence that there exists just cause for the discipline and that the extent of discipline is appropriate. In such cases, the City shall present its case in chief first, followed by the grievant's defense of the matter, followed by rebuttal and surrebuttal as permitted by the hearing officer or the Board.

10. Opening and Closing Statements and Arguments.

The Board may allow opening statements and/or closing arguments by either party, and establish reasonable time limits for such statements.

Section D. Decisions by the Board.

1. Deliberations.

Upon completion of evidence and arguments, the Board may retire to deliberate in closed session.

2. Decisions.

The Board shall make a determination on each of the charges alleged, and issue written findings of fact with the ultimate decision and order on the grievance.

3. Re-hearings.

No re-hearing, reconsideration, modification, vacation, or alteration of a decision of the Board shall be allowed.

4. Motion to Withdraw Grievance.

At any time, the grievant may move to withdraw all or any portion of the grievance or the City may move to withdraw all or any of the charges against the grievant. Said motion, if made, will result in a dismissal of all or portions of the issues without recourse.