

**RULES AND REGULATIONS
OF THE
CIVIL SERVICE COMMISSION
OF THE
CITY OF OAK FOREST
STATE OF ILLINOIS**

Effective: January 21, 2016

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As adopted by the Civil Service Commission of the City of Oak Forest, Illinois, November 7, 2013 and becoming effective November 15, 2013.

CHAPTER 1 – ADMINISTRATION

RULE 1.1 – SOURCE OF AUTHORITY

The Civil Service Commission ('Commission') of the City of Oak Forest, Illinois derives its power and authority from 65 ILCS 5/10-1-1 *et seq.* and from City ordinances. The City of Oak Forest is a home rule unit of government. To that end, these rules shall supersede any conflicting statutes.

RULE 1.2 – Definitions

The word 'Officer' shall mean any person holding a position classified by the Commission. The masculine noun or pronoun includes the feminine. The singular includes the plural, and the plural the singular.

RULE 1.3 – OFFICERS OF COMMISSION AND THEIR DUTIES

The Commission shall annually, on the first meeting in April, elect a Chairman, a Secretary, and a Chief Examiner. They shall hold office 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 Commission in permanent file and shall be the custodian of all the forms, papers, books, records and completed examinations of the Commission.

RULE 1.4 – Meetings

- A) Regular monthly meetings shall be held on the second Thursday of the month at 7:00p.m.
- B) Special meetings shall be called by a notice in writing signed by any Commission member. Notice shall be provided to all Commissioners in a prompt and efficient manner.
- C) All meetings shall be held in accordance with the Open Meetings Act.

RULE 1.5 – QUORUM

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

RULE 1.6 – ORDER OF BUSINESS

The order of business at any regular meeting shall be:

- a) Call to order
- b) Approval of the minutes
- c) Communications
- d) Unfinished business
- e) New business
- f) Adjournment

RULE 1.7 – PARLIAMENTARY AUTHORITY

Robert's Rules of Order, 11th edition, shall be the Commission's parliamentary authority.

RULE 1.8 – AMENDMENTS

Amendments to the rules of the Commission may be proposed at any meeting of the Commission and passed only at a later meeting. Copies of the amendments shall be promptly made available for distribution in the City Clerk's office. The notice shall be published in a newspaper of general circulation in the City of Oak Forest, Illinois. The notice shall specify the date, not less than ten (10) days subsequent to the date of such publication, when rules shall go into effect.

RULE 1.9 – ANNUAL REPORT AND BUDGET REQUEST

The Commission shall submit an Annual Report of its activities and Budget Request and required by 65 ILCS 5/10-1-21.

RULE 1.10 – POWERS OF THE BOARD

The Commission shall have such other powers and duties as are given it by Illinois law and by ordinance.

RULE 1.11 – LEAVE OF ABSENCE

Department Heads, with the approval of the Commission, may grant leaves of absence without pay for any legitimate purpose to employees who have completed their probation. However, an employee with probationary status may request a leave due to extenuating circumstances. Such leaves must be recommended by the department head in a formal request to the Commission indicating the duration of and reason for the requested leave. Such leaves shall not exceed one year but may be extended with the approval of the Commission. Probationary employees may be considered for leaves of absence only after a review of the circumstances by the Commission.

Military leave and re-employment rights shall be granted in accordance with federal law. The one-year limitation on leaves of absence shall not apply to military leaves.

If a Civil Service employee becomes sick or injured and has been granted a city-approved disability leave, a leave of absence from Civil Service shall be granted for the duration of the temporary disability.

The Commission may grant a leave of absence for Civil Service employees who accept appointments to positions which are exempt from the jurisdiction of Civil Service. Such leaves may be for a period of one year or less and may be extended for additional periods by the Commission. Return from such leaves shall take priority over original employment and promotional privileges and the employees shall be restored to the same or similar position upon making application to the Commission, if a position is available.

In the absence of a reasonable excuse and written notice to the appropriate department head, employees who fail to return to work at the time specified prior to the granting of the leave shall be considered to have resigned not in good standing.

RULE 1.12 – POSITIONS INCLUDED

The positions under the jurisdiction are all positions of employment of the City, except those excluded in 65 ILC 5/10-1-17 and those excluded by the City by virtue of its home rule powers. For reference, the current positions included in the City Civil Service and the promotional positions above entry-level positions are:

<u>Entry Level</u>	<u>Promotional</u>
Counter Clerk	Account Clerk I (II)
Finance Clerk	
Secretary I (II)	
Permit Clerk	
Telecommunicator	Telecommunications and Records Supervisor; Court Clerk
Maintenance Worker	Heavy Equipment Operator Water Plant Operator
Mechanic	

RULE 1.13 – TEMPORARY APPOINTMENTS

Temporary appointments shall not exceed 120 calendar days unless extreme and unusual circumstances require an extension. Seasonal employees shall not exceed 180 consecutive calendar days within a 12-month period and may not be rehired until six consecutive months have elapsed from the employee's previous termination date. Temporary and seasonal appointments shall not have Civil Service status.

RULE 1.14 – EQUAL EMPLOYMENT OPPORTUNITY

The Commission supports a policy of equal employment opportunity for all individuals seeking City employment. Discrimination in violation of any federal, state or local constitutional provision, statute or ordinance is prohibited.

CHAPTER 2 – APPLICATIONS

RULE 2.1 – ELIGIBILITY

Applicants for examination must be at least 18 years of age and a citizen of the United States to be legally eligible to hold a position of employment with the City.

RULE 2.2 – APPLICATIONS

Applications shall be filed upon forms furnished by the Commission, and applicants must fully complete the application. The application must be filed with the Commission prior to taking an examination. Defective or incomplete applications may be returned to the applicant for correction, provided the applicant is qualified for the position sought. Applicants must notify the Commission of any change in address.

The applicant shall furnish with his application a copy of his/her military service record and discharge papers, if any.

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, is good cause for disqualification of an applicant or employee.

RULE 2.3 – DISQUALIFICATION

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

- a) Who is found lacking in any of the established preliminary requirements for the position applied for;
- b) Who is physically unable to perform the essential job functions of the position to which he or she seeks appointment, with reasonable accommodations;
- c) Who has been convicted of any felony; or of certain misdemeanors, as specified in 65 ILCS 5/10-1-7;
- d) Who has been dismissed from any position of employment for good cause;
- e) Who has attempted to practice any deception or fraud in his or her application;
- f) Whose character and employment references are unsatisfactory;
- g) Whose application is incomplete or untimely; or
- h) Who does not complete the testing requirements.

Any applicant deemed disqualified hereunder shall be so notified by the Commission.

RULE 2.4 – NOTICE OF CONDITIONAL OFFER OF EMPLOYMENT

The Commission will notify all applicants whose applications have been accepted by the Commission to be present for subsequent examination to determine the applicant's ability to perform the essential job functions, with or without reasonable accommodations.

RULE 2.5 – RELEASE OF LIABILITY

All applicants shall execute and deliver to the Commission a form release of all liability in favor of the City of Oak Forest as the result of taking any or all tests.

CHAPTER 3 – EXAMINATIONS

RULE 3.1 – NOTICE OF EXAMINATIONS

Examinations shall be held on the dates fixed by the Commission and advertised in a newspaper of general circulation in the City of Oak Forest. Examinations may be postponed by order of the Commission. The 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.

RULE 3.2 – The Commission shall call examinations to fill vacancies in the class of service in which vacancies are liable to occur. A call for such examination shall be entered in the minutes of the Commission and shall include a statement of:

- a) The time and place where such examination will be held
- b) The time during which applications will be received, which shall be at least a two-week period, terminating three days before the examination.
- c) The title of the position to be filled from the resulting eligibility list.

The Commission may charge a fee for a written examination. An applicant who is unable to pay the fee may apply for a waiver of the fee. The Commission shall consider the applicant's financial status and waive the fee in the appropriate cases.

RULE 3.3 – TYPE OF EXAMINATIONS

Applicants must attend any orientation program sponsored by the Commission. In addition, applicants may be required to participate in examinations as determined by the Commission and as more particularly set forth in Rule 3.4. No examination shall contain questions regarding an applicant's political or religious opinions or affiliations.

The Commission may make such investigation of the background of applicants, including criminal conviction records and verification of claimed experience and training of applicants, as it determines is necessary to establish the fitness, moral character, and qualifications of applicants.

RULE 3.4 – EXAMINATIONS – MINIMUM GRADE

The following examinations may be conducted by the Commission. The sequence of testing may vary at the discretion of the Commission. Failure to achieve the minimum passing grade in any examination disqualifies the applicant from any further participation.

<u>Examinations</u>	<u>% of Total Grade</u>	<u>Minimum Passing</u>
Orientation	-	Attendance Mandatory
Written Test	100% (may vary)	*
Physical Aptitude Test	-	Pass or Fail**
Background Investigation	-	Pass or Fail
Psychological Examination	-	Pass or Fail**
Medical Examination	-	Pass or Fail**
Oral Test (Interview)	To be determined	*
Proficiency Test/Field Review	To be determined	*

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

**To be conducted after the Commission grants a conditional offer of employment.

Applicants shall attain a cumulative passing grade of 70% or greater in order to be considered for employment.

As detailed in 65 ILCS 5/10-1-16, preference points shall be given for original appointment to qualified veterans, meaning persons who were engaged in the active military or naval service of the United States for a period of at least one year and who were honorably discharged therefrom, and all persons who were engaged in such military or naval service who are now or may hereafter be on inactive or reserve duty in such military or naval service, not including, however, persons who were convicted by court-martial of disobedience of orders, where such disobedience consisted in the refusal to perform military service on the grounds of alleged religious or conscientious objections against war, whose names appear on any Eligibility List resulting from an examination from original appointment by adding five (5) points to the final score received as the result of any examination.

The Commission shall also provide five (5) preference points to any names which appear on any Eligibility List resulting from an examination from original appointment for residency within the corporate municipal boundaries of the City of Oak Forest.

However, only five (5) preference points total (either military or residency, but not both) will be applicable to any name posted on an original appointment eligibility register.

The Commission, its agents and all City employees must treat as confidential any information available to them concerning examination materials and ratings earned by competitors. Any employee engaging in corrupt or negligent practices in connection with examinations shall be subject to dismissal. In order to protect the security of test material and to protect the rights

and privacy of applicants, all applicants, examinations, and test material shall be regarded as privileged and confidential and not available for public inspection. Any Commissioner or Examiner related to an applicant will be disqualified from grading any and all applicants on that examination. 'Related' shall mean a parent, grandparent, sibling, child, grandchild, aunt, uncle, first cousin or such a relative of the applicant's spouse.

RULE 3.5 – ORIGINAL APPOINTMENT – WRITTEN EXAMINATIONS

Information as to the type of written examination employed by the Commission will be provided as part of the orientation program. All examination papers shall be and remain the confidential property of the Commission and the grading thereof by the Commission 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. At least one member of the Commission shall be present at each written examination. However, absence by Commissioners shall not invalidate the examination.

RULE 3.6 – ORIGINAL APPOINTMENT – ORAL EXAMINATION

A quorum of the Commission may conduct an Oral Examination. Questions may be asked of the Candidate that will enable the Commissioners to properly evaluate and grade the Candidate on general fitness for the position. Candidates who fail the oral examination will be notified and eliminated from all further consideration.

RULE 3.7 – ELIGIBILITY LIST

- a) The Commission will prepare an 'Eligibility List' of the candidates successfully completing the examination or examination(s) process. The candidates will be listed in order of excellence based upon their final score.
- b) Within 60 days after each examination, the Eligibility List shall be posted by the Commission, showing the grades of the candidates without reference to priority of time of examination and subject to claim for military credit. Candidates who are eligible for military credit shall make a claim in writing within ten (10) days after posting of the eligibility list or such claim shall be deemed waived.
- c) A dated copy of the initial Eligibility List shall be sent to each person appearing thereon. This copy shall indicate the expiration date of the list. A list may be cancelled by the Civil Service Commission at any time when a change in classification, testing standards or other changes requires such action. The list will remain in effect for two (2) years, but may be extended for an additional term of up to two (2) years.
- d) Candidates who are eligible for veteran preference points on an entry-level examination shall make a claim in writing with proof thereof with their written application.

- e) In the event of a tie score, the placement of the tied candidates' names on the Eligibility List shall be determined by the earliest time-stamped application.
- f) Applicants shall be certified from the eligibility list in descending order.
- g) Appointment from the Eligibility List is subject to the satisfactorily passing any other tests listed in Rule 3.4, including but not limited to a physical examination.

RULE 3.8 – REMOVAL FROM ELIGIBILITY LIST

The Commission may remove the names of eligible persons from the Eligibility List for any of the following reasons:

- a) Appointment of an eligible from a list;
- b) Death of an eligible;
- c) Notice by Postal Authorities that they are unable to locate the eligible at the last known address;
- d) Attempt by an eligible to practice any deception or fraud in completion of an application or in connection with an examination;
- e) Information that the eligible lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;
- f) Request from an eligible that his/her name be removed;
- g) Failure of an eligible, upon referral, to reply or to report for a test;
- h) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department;
- i) Failure of an eligible to furnish, upon request, written evidence of their availability for employment;
- j) Refusal of an eligible to accept a second offer of employment. However, if the second refusal is made within ninety (90) days of the first refusal, the Commission may waive removal from the list at its discretion for good cause. Refusal to accept an offer will result in the applicant's name being placed last on the list;
- k) Expiration or cancellation of the Eligible List upon which the eligible's name appears;
or
- l) Failure of an eligible to pass any test.

RULE 3.9 – PROBATIONARY APPOINTMENT

- a) When a vacancy exists in a Civil Service position which the department head desires to be filled, the department head shall certify that fact to the Commission. Upon completion of testing, if needed, the Commission shall extend a conditional offer of employment to the next highest ranking applicant. The Commission shall then conduct any required additional testing. If the additional testing is satisfactory, the Commission shall extend an offer of probationary employment and certify the applicant to the department head with a beginning date for employment. All offers of employment shall be sent by personal hand delivery or certified mail, return receipt requested, to the address given on the candidate's application.
- b) All original promotional appointments shall be for a probationary period not to exceed six (6) months.

- c) Any person whose name appears on the Eligibility List may decline appointment, subject to the provisions of Rule 3.8(j).
- d) If original entry probationary employees are found to be unsatisfactory or not qualified for the performance of the duties of their position, the department head may, at any time during the probationary period, discharge the employee only with the approval of the Civil Service Commission, but without formal hearing. Probationary employees have no Civil Service status and, accordingly, have no right to a Civil Service hearing for discharge during the probationary period.
- e) If promotional probationary employees are found to be unsatisfactory or not qualified for the performance of their duties of their position, the department head may, at any time during the probationary period, return the employees to their former Civil Service designated rank and they shall be returned to their former position at the next available opening.

CHAPTER 4 – PROMOTIONAL EXAMINATIONS

RULE 4.1 – GENERAL

The Commission shall provide for promotion on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases, where it is appropriate, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the appropriate eligible ranks who desire to submit themselves to examination. All promotions shall be made from the highest rating of those names remaining on the promotional list. The method of examination and the rules governing examinations and certification for promotion shall be generally as set forth in Chapter 3.

RULE 4.2 – SENIORITY

Promotional applicants shall receive an additional one-half (1/2) percentage point on the written examination score for each year or fraction thereof of service in the City Civil Service, not to exceed a total of five (5) additional points. Seniority points are added only to passing scores and the combined score may not exceed 100%. Seniority points are only given for time served in the appropriate lower position which directly promotes to the tested position.

RULE 4.3 – MERIT POINTS

If included by the Commission in the examination, promotional applicants shall receive an adjustment of minus five (-5) to plus five (+5) percentage points on the written examination score as certified by the department head, based upon performance in the lower position.

RULE 4.4 – VETERANS PREFERENCE

Preference for promotional appointment shall be given to qualified veterans whose names appear on existing promotional eligible lists or promotional eligible lists that may hereafter be created by adding to the final grade average which they received or will receive as the result of any promotional examination seven-tenths (7/10) of one point for each six (6) months or fraction thereof of active military or naval service not exceeding thirty (30) months. The

numerical result thus attained shall be applied in determining the position of such persons on any Eligibility List which has been created or will be created as the result of any promotional examination held hereunder for purposes of preference in certification and appointment from such Eligibility List.

No person shall receive the preference for a promotional appointment granted by this Section after he or she has received one promotion from an Eligibility List on which he or she was allowed such preference.

CHAPTER 5 –
HEARING OF CHARGES, REMOVALS, SUSPENSIONS AND DISCHARGES

RULE 5.1 – HEARING OF CHARGES

- a) Hearings before the Commission are not common law proceedings.
- b) 'Counsel' as used herein means one who has been admitted to the bar of the Illinois Supreme Court as an Attorney at Law.
- c) No rehearing, reconsideration, or vacation of a decision of the Commission shall be allowed, unless otherwise ordered by a court of competent jurisdiction.
- 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 discipline. The Commission has the right to determine what constitutes cause. 'Cause' may include violation at any time of any ordinance, state or federal statute or City regulation, or gross, negligent or dangerous behavior.
- e) The complainant initiating any hearing before the Commission shall have the burden of proof to establish his/her case by a preponderance of the evidence. 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, has a greater weight, and is more convincing as to its truth when weighed against the evidence in opposition hereto.
- g) All hearings shall be conducted in accordance with the Open Meetings Act.
- h) At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- i) All proceedings before the Commission during the conduct of the hearing shall be recorded by a court reporter to be employed by the Commission.
- j) The records of all hearings will not be transcribed by the reporter unless requested to do so by the Commission or any party of interest.
- k) All witnesses shall be sworn prior to testifying, and the matter will be decided by the Commission solely on evidence presented at the hearing.
- l) The order of proof shall be as recognized in Illinois courts. All parties shall have the right to cross-examine witnesses presented by the opposite party.

- m) Disciplinary actions may include reprimand, suspension for more than thirty (30) days or discharge. Nothing in this Chapter 5 shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty (30) days, except that any employee or officer suspended for more than five (5) days or suspended within six (6) months after a previous suspension shall be entitled, upon request, to a hearing in accordance with this Chapter 5.

RULE 5.2- HEARING PROCEDURE

- a) Complaints: A case is initiated by the filing of a written complaint, setting forth a plain and concise statement of the facts upon which the complaint is based.
- b) Probable Cause: The Commission 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. The Commission may dismiss a complaint without hearing if the facts alleged in the complaint, taken as true, do not constitute probable cause.
- c) Notification of Hearing: Upon filing of a complaint with the Commission, and the determination by the Commission of proper cause for entertaining said complaint, the Secretary of the Commission shall notify both the complainant and the respondent, either by registered or certified mail, return receipt requested, or personally, of the time and place for the hearing of the charges contained in the complaint. The respondent shall also be served with a copy of the complaint. If an Order of Suspension Pending a Hearing is entered by the Commission, the respondent, the complainant, the department head, the Finance Director, and the City Administrator 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 the Order.
- d) Continuances: The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Commission.
- e) Stipulations: Parties may, on their own behalf, or by Counsel, stipulate and agree in writing, or on the record, as to any facts. The facts so stipulated shall be considered as evidence in the proceeding.
- 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 Commission.

RULE 5.3 – SUBPOENAS

- a) Before any hearing, any party may make a written application to the Commission requesting subpoenas for any individual to appear for a hearing or for production of books, papers, records, accounts or other documents as may be deemed by the Commission 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 eighteen (18) years of age or older designated by the party requesting the subpoenas. Application for subpoenas must contain the names and addresses of the individuals to be subpoenaed and the identity of any documents which they are to produce. Subpoenas cannot 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 Commission at least three (3) days before the date set for such hearing, provided, however, that the Commission in its discretion may waive this rule.

RULE 5.4 –SERVICE

All papers required by these Rules and Regulations to be served shall be delivered personally to the party designated, or mailed by the 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 Commission, 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.

RULE 5.5 – FILING

All papers may be filed with the Commission by mailing, or delivering them to the Commission at City Hall. For the purpose of these Rules and Regulations, the filing date of any paper shall be the date it was received in the Commission'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.

RULE 5.6 – FORMS OF PAPER

All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only. If typewritten, the lines shall be double-spaced, except that long quotations may be single-spaced and indented. All papers shall be no larger than 8 1/2" x 11" with inside margins of not less than one inch. The original of all papers shall be signed in ink by the party filing the paper or by an officer, agent or attorney thereof and copies thereof provided to the opposing party and his/her counsel. If papers are filed by an attorney, the attorney's name, address, and telephone number shall appear thereon.

RULE 5.7 – COMPUTATION OF TIME

The time within which any act under these Rules is to be done and shall be computed by the rules set forth in 5 ILCS 70/1.11.

RULE 5.8 – DATE OF HEARING

The time for the hearing of charges shall be set by the Commission, within a reasonable period of time subsequent to 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 Commission.

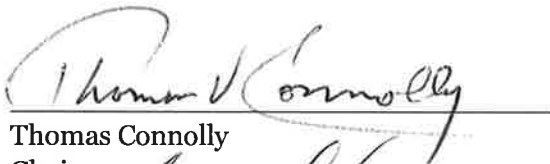
RULE 5.9 – FINDINGS AND ORDER

In case any employee is found guilty of the charges after a hearing by the Commission, the employee may be suspended without pay for a period not exceeding thirty (30) days, discharged or removed.

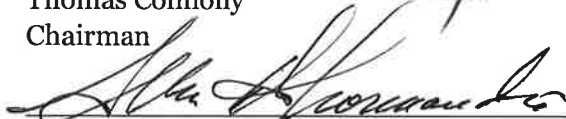
RULE 5.10 – FINDINGS AND DECISION

The findings and decision of the Commission, following a hearing of charges, shall be preserved by the Commission, and notice of said finding and decision sent to the employee involved, and also to the respective department head for enforcement. If the finding or decision is that an officer or employee is guilty of the charges investigated, and removal or discharge is ordered, such order of removal or discharge shall become effective immediately.

So reviewed, approved, and ordered by:



Thomas Connolly
Chairman



Allen De Normandie
Secretary

David Hilger
Chief Examiner

Rules prepared at the direction of the Civil Service Commission by:
Scott Burkhardt
Oak Forest City Clerk