



RULES AND REGULATIONS

POLICE AND FIRE COMMISSION

CITY OF BELOIT, WISCONSIN

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CHAPTER I

ADMINISTRATION

- 1.01 CREATION - POLICE AND FIRE COMMISSION. The Police and Fire Commission is created by Section 62.13 of the Wisconsin Statutes and Section 1.28 of the Code of General Ordinances of the City of Beloit. The Commission consists of five (5) members appointed by the City Council.
- 1.02 DEFINITIONS
- (1) The rules herein provided shall be applicable to all positions in the police and fire services. The words "police or fire service" as used herein shall include sworn positions in the Police and Fire Departments of the City of Beloit, which are under the jurisdiction of the Police and Fire Commission.
- (2) The word "Commission" when used herein shall refer to the Board of Police and Fire Commissioners. (12/27/77)
- 1.03 REGULAR MEETINGS. The regular meetings of the Commission shall be held on the fourth Monday of each month at 4:30 PM in the City Hall Forum or an alternate location identified in a meeting notice. If that day is a legal holiday, the meeting shall be held on an alternate date chosen by the President. Public notice shall be given twenty-four (24) hours in advance of each meeting. If there are no items on the agenda, the President may cancel the regularly scheduled meeting by public notice and by notifying each member of the Commission not less than twenty-four (24) hours prior to the time of such meeting. (10/01/01, 08/22/16, 04/24/17 8/26/19)
- 1.04 OFFICERS. Annually, at the May regular meeting, the Commission shall elect from among its members a President (designated as Chair in the City Ordinances), a Vice President (designated as Vice Chair in the City Ordinances) and a Secretary. (8/24/98)
- 1.05 SPECIAL MEETINGS. Special meetings may be held at the regular meeting place on call of the President or any two (2) Commission members. Notice of the special meeting shall be in writing to each Commission member. Notice to Commission members and public notice shall be given at least twenty-four (24) hours before the time of the meeting. The notice shall specify the business for the special meeting, and no other business shall be conducted. Providing the twenty-four (24) hour public notice is given, a special meeting may be held without personal notice to all Commission members when all members of said Commission are present in person, or consent in writing to the holding of said meeting, said written consent to be filed with the Secretary prior to the beginning of the meeting.
- 1.06 AGENDA. The agenda of items of business for each meeting shall be prepared by the City staff representative and approved by the President. Additional items may be considered at the regular meeting on motion adopted by a two-thirds (2/3) vote of the members of the

Commission present. (8/12/93, 6/24/06)

- 1.07 ORDER OF BUSINESS. The regular order of business of the Commission shall be:
(1) Call to order and roll call;
(2) Consideration of minutes from the preceding meeting;
(3) Citizen Participation;
(4) Consideration of communications from the Chiefs of Police and Fire Departments;
(5) Commissioner Comments;
(6) Business.
(12/27/77, 6/24/06)
- 1.08 QUORUM. Three (3) members of the Commission shall constitute a quorum.
- 1.09 VOTING. A majority vote of the members of the Commission present shall be necessary to take any action. The Secretary shall record all votes.
- 1.10 MINUTES. A City staff representative shall retain minutes of all meetings.
- 1.11 RECORDS. The City staff representative shall be the custodian of the records of the Commission. The records shall be kept in the office of the City Clerk.
- 1.12 DUTIES OF PRESIDENT (CHAIR)
(a) The duties of the President shall be to preside over all meetings of the Commission, to receive written charges filed against chief officers or subordinates, and to issue subpoenas to compel the attendance of witnesses, which shall be served in the manner provided by Chapter 885, Wisconsin Statutes.
(b) In the event of the absence or disability of the President, the Vice-President will call special meetings of the Commission when necessary, preside over meetings of the Commission and see that they are regularly conducted.
(8/24/98)
- 1.125 DUTIES OF THE VICE PRESIDENT (VICE CHAIR)
The Vice President shall serve as President in the President's absence. (8/24/98)
- 1.13 DUTIES OF SECRETARY
(1) The Secretary, via City staff representative shall conduct all correspondence of the Commission; receive appeals from action of chief officers; send out all notices required by law, ordinance, these rules or as requested by the Commission; to make such official publications as may be necessary; to attend all meetings and hearings of the Commission; to review and keep records and minutes of the Commission's proceedings; to provide for the taking and recording of testimony and other evidence received at hearing; to preserve such evidence in a permanent record; and to certify such record to the Circuit Court when required by law.

- (2) The Secretary shall keep minutes, showing all important facts pertaining to each meeting and hearing. The minutes of each meeting and hearing shall be signed by the Secretary, approved by the Commission, and signed by the President. A copy of the minutes shall be provided each member as soon after each meeting as is possible. The records shall be filed with the City Clerk.

(12/27/77)

1.14 ACCESS TO RECORDS. All records of the Commission may be inspected or copied by any person unless the record is specifically exempt from disclosure or unless the public interest of non-disclosure outweighs the benefits of disclosure, which shall be determined by the Commission. The Commission may consider the following factors in determining that a record shall not be disclosed. That those records:

- (1) Contain financial, medical, social or personal histories or disciplinary data that may unduly damage reputations;
- (2) Concern employment, dismissal, promotion, demotion, compensation or discipline of any city official or employee or the investigation of charges against a city official or employee;
- (3) Report communications between the Commission and its legal counsel concerning the legal rights and duties of the Commission if publication would adversely affect the Commission's position in an adversary or bargaining situation;
- (5) Were obtained under a clear pledge of confidentiality, if the pledge was made in order to obtain the information contained therein; or
- (6) Concern the actions, deliberations, or discussion at a lawfully closed session of the Commission.

(12/27/77)

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CHAPTER II

DISCIPLINARY COMPLAINTS

2.01 For purposes of Sections 2.02-2.16, inclusive, a "Subordinate" shall include any commissioned member of the Police and Fire Departments other than the Chiefs thereof.

2.02 A subordinate may be suspended as hereinafter provided as a penalty. A subordinate may also be suspended by the Commission with pay pending disposition of charges filed against the subordinate.

(4/13/83)

2.03 PROCEDURES

(1) A statement of charges or complaint setting forth charges (the Complaint) may be filed against a subordinate (the Respondent) by the Chief, by an aggrieved person, by a member of the Commission, or by the Commission as a body (the Complainant).

(2) The Complaint shall be in writing, shall be signed by the Complainant, and shall be sworn under oath to be on the knowledge of the Complainant, except as to matters stated on information and belief. As to matters stated on information and belief, the Complainant shall state that the Complainant believes the charges to be true. If a Complaint is made in whole or in part upon information and belief, the source of such information and belief shall be stated, including the names and addresses of witnesses with knowledge. The Complaint shall identify the Respondent and describe the actions that the Complainant believes violated a department rule, local ordinance, state or federal law, or standard of acceptable conduct. The Complaint shall include relevant facts, such as the date, location, witnesses, and a description of what occurred. The Complaint shall also specify the department rule, local ordinance, state or federal law, or standard that the Complainant believes the Respondent violated.

(3) The Complaint shall be filed with the President of the Commission or to the President's attention at the office of the Commission's legal counsel.

(2/28/05)(9/28/20)

2.04 A subordinate may be suspended for cause by the Chief or the Commission as penalty. The Chief shall file a report of such suspension with the Commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the Chief requests a hearing before the Commission, the Chief shall be required to file charges with the Commission upon which such suspension was based.

(4/14/83)

2.05 Following the filing of the Complaint in any case, a copy thereof shall be served upon the person charged. The Commission shall set a date for Hearing not less than 10 days nor more than 30 days following service of the Complaint. At the Hearing on the charges, both the Respondent and the Complainant may be represented by an attorney. Both the Respondent and Complainant may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Commission on request.

- (1) If there is a pending criminal proceeding involving the same matter alleged in Complaint, the Hearing on the Complaint shall be postponed until completion of the criminal proceedings.

2.06 INITIAL HEARING. All Hearings on the Charges shall be public. No witnesses need appear at the Initial Hearing. The following will take place at the Initial Hearing:

- (1) Procedural motions by the parties as to the improper completion of the form and other procedural matters may be made and shall be considered by the Commission.
(4/14/83)
- (2) The Commission will review the Complaint and attempt to obtain stipulations as to matters about which the parties agree. Matters which are stipulated to need not be proven by the parties at the hearing.
- (3) At the Initial Hearing, each party will provide the other party with a list of witnesses they intend to call to prove the allegations of the Complaint. Witnesses called merely to rebut the testimony of another witness need not be included on this list. Parties shall not be prevented from calling witnesses whose names are not included on the lists for good cause shown. The names of witnesses discovered after the lists are exchanged shall be provided to the opposing party within a reasonable time frame. Neither party will be required to call all of the witnesses listed on their witness lists.
(4/9/92)
- (4) Parties will provide each other with copies of or access to documents and other exhibits they intend to use at the Hearing. Access to exhibits the parties decide to use after the Initial Hearing shall be provided within a reasonable time frame.
- (5) Dates for the adjourned hearing of the Complaint will be set.
(4/9/92)

2.07 HEARING. At the adjourned Hearing, the Complainant shall present evidence first.

The Complainant or Complainant's attorney may question each witness. After each of the Complainant's witnesses testifies, the Respondent or Respondent's attorney may cross-examine the witness. After all the Complainant's witnesses testify, the Respondent may testify and call witnesses to testify. They shall be subject to cross-examination following their testimony.

Members of the Commission may question any witness at any time. The attorney for the Commission or the President shall rule on questions of evidence.

A ruling challenged by a Commission member shall be finally determined by a vote of the Commission.

After all witnesses have testified, each party may make a statement to the Commission. The Complainant shall speak first.

The Commission may, in its discussion, modify the order of testimony or make such additional rules at each hearing as is deemed necessary for the conduct of the hearing.

2.08 MULTIPLE COMPLAINTS. Separate Complaints shall be made against each commissioned officer involved in the alleged misconduct resulting from the same event. The Complaints may be consolidated for hearing, but if either party requests a separate hearing on one or more of the Complaints, the Commission may allow the Complaints to be heard separately.

2.09 SUBPOENAS. Pursuant to Wisconsin Statutes, witnesses may be subpoenaed by either party to attend a hearing on the Complaint and give testimony. The form of the subpoena shall be prepared by the requesting party, and shall be signed by the President.

2.10 TESTIMONY. Generally, any witness may testify regarding matters about which the witness has personal knowledge under usual administrative evidentiary procedure. Witnesses may be asked questions intended to show whether or not they should be believed.

(1) Only upon application to the Commission for good and sufficient cause shown may either party request that depositions be taken of witnesses unable to attend the hearing. If permission is granted by the Commission, a subpoena shall be issued pursuant to 2.10.

2.11 DECISION. After hearing all the evidence and the statements of the parties, the Commission may retire into closed session(s) to deliberate. Within three (3) days of the close of the adjourned hearing, they shall produce and file with the Secretary a written decision including findings of fact, conclusions of law and an order for penalties, if any, that shall be taken against the Respondent. If one or more commissioners disagree with the majority opinion, that commissioner(s) may write and file a dissenting decision. The Respondent may be suspended, reduced in rank, suspended and reduced in rank, or removed from the department.
(4/9/92)

2.12 If the Commission determines that the charges are not sustained, the accused, if the person has been suspended, shall be immediately reinstated. If the Commission determines that the charges are sustained, the accused, by order of the Commission, may be suspended, or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.

- 2.13 Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing filed with the Commission within the Statutory time limit.
(4/9/92)
- 2.14 No person shall be deprived of compensation while suspended pending disposition of charges.
- 2.15 The Commission may promulgate instructional guidelines for preparing and filing disciplinary complaints which shall not be construed in a manner contrary to any statutory provision of the Wisconsin Statutes including Section 62.13 thereof or contrary to any provisions of these rules and regulations.
- 2.16 The provisions of 2.02-2.15, inclusive, where applicable, shall also apply to disciplinary actions against a Chief. In addition thereof, the Commission may suspend a Chief pending disposition of charges filed by the Board.
(4/9/92)

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CHAPTER III

EMPLOYMENT PROCEDURES/QUALIFICATIONS

3.01 QUALIFICATIONS OF APPLICANTS. Every applicant for appointment to the Police or Fire Service shall:

- (1) Complete an electronic application.
- (2) Be able to speak and comprehend the English language.
- (3)
 - a. An applicant for employment as a law enforcement officer shall possess a minimum of 40 fully accredited college level credits at the time of application. Prior to the completion of his/her fifth year of employment as a law enforcement officer, an applicant shall possess either a two-year associate degree from a Wisconsin technical college system district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits. Post-secondary education institutions must be accredited by an organization which is recognized by the United States Department of Education. (12/16/96, 6/24/06, 2/29/16)
 - b. An applicant for the position of Fire Fighter shall possess a valid National Registry Certification and either a Wisconsin Emergency Medical Technician-Basic license or approved EMT-basic license from another approved state and be certified as a Firefighter 1 with the State of Wisconsin, International Fire Service Accreditation Congress (IFSAC), National Board on Fire Service Professional Qualifications (Pro Board), or equivalent certification/training from another state. (6/24/06, 08/22/16, 09/25/17, 10/25/2021)
- (4) Have no previous rejection by the Commission's Medical Examiner for an uncorrected cause. 12/27/77
- (5) Possess a valid driver's license issued by the state of applicant's residence upon which the applicant can operate a motor vehicle in the State of Wisconsin.
- (6) Have attained a minimum of 18 years of age at the time of application.
- (7) Be of good moral character.
- (8) Be free from any physical condition, (including substance abuse) emotional condition, or mental condition, which may adversely affect performance of duties. (12/27/77)
- (9) Submit to and complete with satisfactory results the following:

- a. **Patrol Officer Applicant.** Applicants for the position of Patrol Officer must complete a written entrance examination and a physical ability test. Selected applicants shall participate in an assessment center, an oral interview, a psychological evaluation, and a medical examination. (12/19/94, 08/22/16)
 - b. **Fire Fighter Applicant.** Applicants for the position of Fire Fighter must complete a written entrance examination and physical ability test. Selected applicants shall participate in an assessment center, an oral interview, a psychological examination, and a medical examination. (6/25/01, 08/22/16)
- (10) Applicants for patrol officer must meet the Minimum Standards for Employment established by the Law Enforcement Standards Board of the Wisconsin Department of Justice pursuant to Section 165.85 of the Wisconsin Statutes.
 - (11) For patrol officer applicants, one cannot be a convicted felon unless pardoned as prescribed by the Minimum Standards for Employment established by the Law Enforcement Standards Board of the Wisconsin Department of Justice pursuant to Section 165.85 of the Wisconsin Statutes. (5/23/94)
 - (12) For Fire Fighter the Commission will require the candidate to complete paramedic training and serve as a paramedic in accordance with the Labor Agreement as a condition of employment depending on the need for paramedics in the Fire Department and the discretion of the Fire Chief. This condition of employment will expire in accordance with the Labor Agreement. This requirement shall be communicated to applicants prior to the time of appointment. (08/22/16)
 - (13) Applicants for fire fighter must certify that they do not smoke tobacco. This provision is consistent with Section 111.35(4) of Wisconsin Statutes. 4/27/98
 - (14) Applicants for fire fighter are advised that pursuant to an Agreement between the City of Beloit and the International Association of Fire Fighters Local 583 all employees, shall, as a condition of their employment, establish permanent residence as prescribed in the Agreement. (5/22/00, 6/24/06)

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CHAPTER IV

- 4.01 APPLICATION. The Commission shall authorize an application for employment for positions appointed by the Commission. Applications shall be kept and maintained in the Human Resources Department. (08/22/16)
- 4.02 All applicants shall apply through the City of Beloit Human Resources Department. Failure to complete the application form shall result in rejection of the application. (4/9/92, 06/24/2019)
- 4.03 Whenever an application reveals that the applicant cannot meet the qualifications of the position applied for, the applicant will not be considered.
- 4.04 Any intentional material misrepresentation in an application shall be grounds for rejection of the applicant.
- 4.05 Applicants previously rejected by the Medical Examiner shall not be considered for employment by the Commission until such time that the Medical Examiner certifies the cause of rejection has been corrected.
- 4.06 Any person discharged for misconduct from either department shall not be considered for re-employment in either the Police or Fire Service.
- 4.07 A former employee of the Police or Fire Service who desires to apply to re-enter the Service one year or more after the employee's separation from the Service shall undergo the same procedure as a new applicant. A former employee of the Police or Fire Service who desires to apply to re-enter the Service within one year of the former employee's separation from the Service must successfully complete a background investigation, drug screen, physical examination, and receive the recommendation of the respective Chief, and approval by the Commission. (9/25/17)
- 4.08 Any current employee of the Police or Fire Service who desires to transfer to the other Service shall undergo the same procedures as a new applicant. (12/27/77)
- 4.09 It shall be the responsibility of applicants to update and inform the City Human Resources Division of any change of information throughout the application process. Failure to do so shall disqualify the applicant from further consideration. (4/9/92)
- 4.10 Each applicant for the position of Fire Fighter shall be reviewed for minimum qualifications for hire. Applicants shall be considered based upon desirable work experience, formal education, and certifications complementary to fire department, emergency medical services, and emergency management job responsibilities. (08/22/16)

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CHAPTER V

- 5.01 PROCESSING APPLICATIONS. All applications will be processed by the Human Resources Department according to the direction of the Commission and consistent with equal employment opportunity guidelines. Candidates that are selected for testing shall be determined by meeting minimum qualifications, followed by review of education, experience, certification and language skills. (06/24/2019)
- 5.02 The Commission shall provide for examinations of qualified applicants for entrance positions in the Police and Fire Departments. The applicant must successfully complete each examination. If any examination is not successfully completed, then the applicant shall be disqualified. The applicant may then re-apply. 9/10/81
- 5.03 ELEMENTS OF EXAMINATION. The examination shall consist of the following:
- (1) **Patrol Officer Applicant.** The examination includes a written test. The physical ability test, assessment center, oral interview examination, background investigation, psychological examination, and medical examination are for selected candidates only. Applicants must receive a passing mark on the written exam and the physical ability test for consideration. (12/19/94, 6/25/01, 06/24/06, 10/26/15, 06/24/2019)
 - (2) **Fire Fighter Applicant.** Examination of applicants may include a written test and a shall include physical ability test. Selected candidates shall participate in an assessment center, an oral interview, a background investigation, a psychological examination and a medical examination. (10/23/00, 5/24/06, 08/22/16, 06/24/2019, 05/22/2023)
- 5.04 WRITTEN EXAMINATION
- (1) **Police Officer Applicant.** The written test shall be approved by the Commission and conducted by persons designated by the Commission. (3/27/95, 06/24/2019)
 - (a) The specific written test approved by the Commission for Patrol Officer is the National Police Officer Selection Test (POST) for the written examination for the selection of new Patrol Officers. The POST is designed to measure basic skills – reading, writing and arithmetic that are important for successfully learning and performing an entry-level, law enforcement position. This test is currently recommended by the Wisconsin Police Chiefs Association and has been validated on a nation level. (7/13/15, 06/24/2019)
 - (b) Each written test shall be marked independently upon a scale of 100% and a candidate must obtain a grade of 70%. (10/23/00, 6/24/06, 06/24/2019)

- (2) **Fire Fighter Applicant.** A written test shall be administered by persons designated by the Commission as follows:
 - (a) The written test for Fire Fighter should measure basic skills – reading, writing and arithmetic that are important for successfully learning and performing an entry-level, fire fighter position.
 - (b) Each written test shall be marked independently upon a scale of 100% and a candidate must obtain a grade of 70%. (06/24/2019)
 - (c) Written testing shall only be required when the number of candidates for a vacant fire fighter position exceeds 100 people. (05/22/2023)

5.05 PHYSICAL ABILITY TEST

- (1) **Police Officer Applicant.** The patrol officer selection process shall include a physical ability test for chosen candidates. This test shall consist of a series of job related exercises designed to determine the applicant's physical aptitude. The specific exercises to be used shall be approved by the Commission. An applicant must obtain a passing score to be considered for employment. (6/25/01, 06/24/2019)

The specific exercises to be used and passing score shall be those specified in the Wisconsin Department of Justice Physical Readiness test for the selection of new Patrol Officers. (7/13/15)

- (2) **Fire Fighter Applicant.** The physical ability test shall consist of a series of job-related exercises designed to determine the applicant's physical aptitude. The specific exercises to be used and the passing score shall be those specified in the “Candidate Physical Ability Test (CPAT),” developed by the International Association of Fire Fighters and the International Association of Fire Chiefs Fire Service Joint Labor-Management Wellness-Fitness Committee. If the City of Beloit does not sponsor the physical ability test on its own, a candidate shall provide certification that he/she successfully completed CPAT within 12 months immediately prior to appointment. (6/14/90, 12/23/00, 10/22/01, 08/22/16, 06/24/2019)

- #### 5.06 ORAL INTERVIEWS.
- Oral interviews shall be granted to selected applicants and shall include job-related questions and such other questions to determine an applicant’s fitness for the position. Oral interviews shall be conducted by the Commission, the Chief of the Department, and/or such other persons as the Commission or Chief may designate. (08/22/16)

5.07 BACKGROUND INVESTIGATION

- (1) Upon completion of the written examination for fire, and upon completion of the written and physical ability test for police, all applicants selected shall complete additional requested background information and a thorough background investigation will be conducted. (12/19/94)

(2) POLICE DEPARTMENT.

- a. Applicant's fingerprints must be sent to the FBI and Wisconsin Crime Information Bureau.
- b. A subsequent search by those agencies of state and national files to determine a criminal record.
- c. Rejection of any applicant who has been convicted of any federal felony, any crime of domestic violence, or of any offense that, if committed in Wisconsin, could be punished as a felony unless the applicant has been granted an absolute and unconditional pardon. (09/28/15)
- d. Retention on a permanent basis by the employing department of the results of the fingerprints, record checks on all law enforcement officers employed under the Law Enforcement Standards Act.
- e. Specifications S-4 of the Law Enforcement Standards Act is hereby adopted with regard to personal history investigations.
- f. Repealed (11/27/17)

(3) FIRE DEPARTMENT.

- a. Applicant's background including personal work and criminal history should be evaluated.
- b. Background examination shall include:
 - Police and credit checks in all areas of permanent residence.
 - Investigation at all schools attended beyond elementary.
 - Investigation at each place of employment. The interview of the applicant's current employment should be at or towards the end of the investigation. The applicant's specific permission for the interview must be obtained.
- c. Only applicants of good moral character may be employed.
- d. The investigation should be conducted by an experienced investigator.
- e. The results of the personal history investigation should be considered confidential and processed accordingly.

5.08 PSYCHOLOGICAL EVALUATION. Because psychological fitness is critical to effective public safety performance, candidates for Police and Fire Service must complete a psychological evaluation. This evaluation will be conducted to identify behavioral patterns and personality characteristics which have been found to be predictive of future public safety performance difficulties. Individuals who are determined likely to pose a direct threat to others because of behaviors and personality traits incompatible with the job of a police officer or firefighter/EMT shall not be employed. The psychological evaluation will be conducted by a psychologist appointed by the Police or Fire Chief. (4/9/92, 6/24/06)

5.09 MEDICAL EXAMINATION

- (1) After a candidate has been selected for appointment subject to approval by the Commission, the candidate will submit to a complete medical examination by Medical Examiners appointed by the City of Beloit to determine whether or not the candidate meets the standards of health necessary to work in that department. In the case of the Fire Department, these standards shall be those enumerated in the most current National Fire Protection Association 1001 Standards for Fire Fighter Professional Qualifications. In the case of the Police Department, these standards shall be determined by the Medical Examiner(s) based on job related criteria supplied by the Police Department. (5/14/92, 6/24/06)
- (2) The Medical Examiner shall immediately report the results of the examination to the Human Resources Department. The Human Resources Department shall notify the Police or Fire Chief or their designee of the results. Those not qualified are rejected for employment and there shall be no appeal from the decision of the Medical Examiner. (3/27/95, 6/24/06, 06/24/2019)
- (3) The Medical Examiner shall furnish the applicant information regarding a medical rejection.
- (4) In the medical examination, the applicant shall be reported as qualified or not qualified. (9/10/81)

5.10 DRUG SCREENING OF POLICE AND FIRE APPLICANTS

- (1) TESTING REQUIREMENT.
 - a. Police and Fire applicants are required to submit to a drug screening at the Commission's designated medical facility as part of the medical examination. (8/24/98)
 - b. The medical facility will have the sample evaluated by a National Institute on Drug Abuse approved laboratory.
 - c. The applicant shall submit to a drug test for the presence of the following controlled substances or classes of controlled substances or their metabolites:
 1. Amphetamines;
 2. Barbiturates
 3. Benzodiazapines
 4. Cocaine Metabolite
 5. Opiates
 6. Phencyclidine (PCP)
 7. Marijuana Metabolite (THC)
 8. Methadone
 9. Methaqualone
 10. Propoxyphene
 - d. The drug test shall be accomplished through analysis of a urine sample from the applicant.

- e. The costs of the urine sample collection and analysis shall be borne by the City.
 - f. The drug testing shall be performed after the medical examination of an applicant before the applicant is nominated by the Chief of the Department to the Commission for confirmation of appointment. (8/16/90)
- (2) SAMPLE COLLECTION. The urine sample shall be collected at a collection site designated by the approved laboratory specified by the Commission for the drug testing.
- a. The applicant providing the sample shall be positively identified by the collection site person by use of a valid photo driver's license, valid passport, a valid military identification card or other positive identification.
 - b. The sample shall be obtained from the applicant in a manner that complies with laboratory and collection site protocol.
- (3) CONSEQUENCES OF POSITIVE TEST RESULT, FAILURE TO APPEAR OR REFUSAL. A positive test result for which the applicant cannot provide an explanation to the satisfaction of the Commission, refusal to provide the urine sample for the drug test, or failure to appear to provide the urine sample at the scheduled date, time and place without just cause shall result in termination of consideration of the applicant for employment.
- (4) TESTING PROCEDURE
- a. The drug test required by subsection (1) shall be performed by an approved laboratory chosen by the Commission.
 - b. The testing procedure shall consist of:
 - An initial screening test;
 - A confirmatory test when there is a positive initial test result.(8/16/90)
 - c. The initial screening test shall be done in the presence of any of the controlled substances listed previously in 5.10, Section C.
- (5) NOTICE OF TEST RESULTS
- a. The testing laboratory shall forward test results to the Human Resources Department. (8/16/90, 06/24/2019)
 - b. Within ten (10) working days after receipt of the test result report from the testing laboratory, the Human Resources Department shall inform the applicant and the Chief in writing of a positive test result. (06/24/2019)
- (6) TEST RESULT APPEAL
- a. If an applicant wishes to appeal a positive test result, the applicant shall, within 5 working days after receiving notice of a positive test result, submit in writing to the Human Resources Department information that the applicant believes provides a legitimate explanation for the positive test result. The applicant shall provide to the Human Resources Department written waivers of confidentiality

- for information submitted by the applicant. (06/24/2019)
- b. At its next regular meeting, after receipt of the information in paragraph (a) the Commission shall determine if there is an acceptable legitimate explanation for the applicant's positive test result.
 - c. The Human Resources Department shall coordinate the review of the test documentation and the applicant's explanatory information with a medical professional who shall provide a written report to the Commission, rendering an opinion and supporting rationale as to whether or not there is a legitimate explanation for the positive test result. The Commission shall consider this report in making its final determination. (06/24/2019)
 - d. The legal use of drugs prescribed by a licensed physician may be permitted, providing that any applicant inform the Human Resources Department that such drugs have been prescribed. The applicant will be required to inform the Human Resources Department of any affects the drug may have, and shall be required to have his/her physician submit, in writing, any affect the drug may have on the employee. The information shall be provided to the Chief and the Commission. The Commission may deny further consideration of the applicant for employment if the Commission determines that the prescribed drug will adversely affect the applicant's performance, or would endanger the safety of others. (06/24/2019)
 - e. The applicant shall cooperate in any investigation by the Commission needed to reach its determination. Failure to cooperate shall be deemed a withdrawal of the applicant's challenge to the positive test result. (8/16/90)
 - f. The Commission shall immediately forward a written report of its findings and determination to the applicant and to the Human Resources Department and the Chief. (06/24/2019)
- (7) EFFECT OF POSITIVE TEST RESULT. An applicant that tests "Positive" in the screening process and cannot produce an acceptable reason for the positive test result will not be considered for employment for two years. Thereafter, the applicant may apply, provided that the applicant shows that they've assessed by a Certified Alcohol/Drug Counselor and that the applicant has successfully followed any recommendations for follow-up treatment which may have been prescribed as a result of the assessment.
- (8) DRUG TEST RESULTS; CONFIDENTIALITY.
- a. All drug test results shall be kept confidential to the extent required by law. (06/24/2019)
 - b. All records pertaining to drug tests performed pursuant to Sub. (1) shall remain confidential and retained by the Human Resources Department in its confidential medical file, except that the records may be released to:
 - 1. To the Commission.
 - 2. To the Chief of the Department.
 - 3. To the applicant or applicant's designee.(8/16/90, 06/24/2019)

5.11 ELIGIBILITY LIST

- (1) Upon conclusion of the candidate examination process, the Commission, in consultation with the Chief, may prepare and certify an eligibility list that contains names of applicants who have passed all necessary examinations and are eligible to be appointed if they successfully pass the background investigation, drug tests, psychological evaluation and medical examination. (06/24/2019)
- (2) Whenever it becomes necessary to fill a vacancy , the Chief shall choose the next candidate from the eligibility list and make a conditional offer of employment to the applicant. The conditions of employment shall be the applicant's satisfactory completion of background investigation, drug tests, psychological evaluation and medical examination. (06/24/2019)
- (3) The certified eligibility list shall expire twelve months from the date of certification for Fire candidates and six months for Police candidates, unless extended or discontinued by the Commission. (08/22/16, 06/24/2019)

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CHAPTER VI

EMPLOYMENT PROCEDURES

6.01 APPOINTMENT OF CHIEF

- (1) The Commission shall appoint the Chiefs of the Police and Fire Departments, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause.
- (2) For the position of Chief, the Commission may appoint a suitable person in its discretion, who need not be a member of the department or a resident of the city. If he/she is a non-resident, he/she shall establish residence within the city limits of Beloit 18 months for Police Chief and 24 months for Fire Chief after appointment. (12/27/77, 6/24/06)
- (3) BACHELORS DEGREE FOR POLICE CHIEF. The Commission shall require that any person appointed to the position of Chief of Police after January 1, 1995 be required to have a Bachelor's degree from an accredited college or university. (7/12/90)
- (4) BACHELORS DEGREE FOR FIRE CHIEF. The Commission shall require that any person appointed to the position of Fire Chief be required to have Bachelor's degree in Fire Science or a closely related field. This person shall also have considerable experience in firefighting, fire prevention and emergency medical service including responsible supervisory and administrative firefighting experience. Successful completion or participation in the National Fire Academy - Executive Fire Officer program receives special consideration. (10/28/02, 6/24/06)

6.02 APPOINTMENTS – ENTRANCE/FIRST LEVEL POSITIONS

- (1) Candidates for appointment must have completed all requirements in Part V of these Rules and Regulations. (12/19/94, 08/22/16)
 - (1m) RESERVED (08/22/16, 09/25/17)
- (2) Appointments to entrance positions in either department shall not be effective until approved by a majority of the Commission. (12/27/77, 8/22/16)
- (3) All appointments shall be probationary as outlined in each of the respective department's Labor Agreements. The probationary period may be extended by action of the Commission.

If during probationary period the appointee proves unfit for the position, the Chief of the department may discharge said appointee. Failure to complete required training shall constitute reason for discharge. A full statement of the reasons for the discharge must be filed with the Commission within five (5) days of said discharge. There shall be no appeal from this discharge. If the probationary period is completed in a satisfactory manner, the appointee shall then be classified as a regular employee.

(7/08/93, 4/9/92, 8/22/16)

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CHAPTER VII

EMPLOYMENT PROCEDURES

7.01 PROMOTION - FIRE

- (1) Promotions in the Fire Department (except for Deputy Chief and Assistant Chief) shall be made as described in the collective bargaining agreement between the City of Beloit and The International Association of Fire Fighters, Local #583.
- (2) The promotion procedure for Deputy Fire Chief and Assistant Fire Chief shall be established by the Fire Chief and explained to the Commission prior to each promotion process.
- (3) All promotions shall be subject to approval by the Commission.
- (4) The probationary period for all promoted positions shall be twenty-four (24) months.

7.02 PROMOTION - POLICE

- (1) Promotions in the Police Department shall be according to a procedure established by the Chief of Police and explained to the Commission prior to each promotion process.
- (2) All promotions are subject to approval by the Commission. (8/13/92)
- (3) The probationary period for all promoted positions shall be eighteen (18) months. (11/27/95)

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CHAPTER VIII

EMPLOYMENT PROCEDURES

8.01 LAY-OFFS AND RE-EMPLOYMENT

- (1) When it becomes necessary because of need for economy, lack of work or funds, or for other just causes to reduce the number of subordinates, the emergency, special temporary, part-time, or provisional subordinates, if any, shall be laid off first, and thereafter subordinates shall be laid off in the order of the shortest length of service in the departments. Those with identical seniority shall be laid off in order of least ability to serve as determined by the Commission from a consideration of evaluation reports.
- (2) When it becomes necessary for the reasons set forth in subsection (1) to reduce the number of subordinates in the higher positions or offices, or to abolish any higher positions or offices in the department, the subordinate or subordinates affected thereby shall be placed in a position or office in the department less responsible according to efficiency and length of service in the department.
- (3) The name of a subordinate laid off for any cause set forth in subsections (1) and (2) shall be retained on an eligible re-employment list for a period of two (2) years after date of lay-off. If any vacancies occur, or if the number of subordinates is increased in the department, such vacancies or new positions shall be filled by persons on such list in the inverse order of lay-off. (12/27/77)

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CHAPTER IX

AMENDMENTS – RULES OF ORDER

- 9.01 AMENDMENT OF RULES. These rules shall not be changed, amended or repealed unless the amendment is introduced in writing at a regular meeting and the same laid over for consideration to the next regular meeting.
- 9.02 ROBERTS' RULES OF ORDER. The rules of parliamentary practice comprising Roberts' Rules of Order Revised shall govern the proceedings of the Commission in all cases to which they are applicable, if not inconsistent with any special rule adopted for the government of the Commission or contrary to the laws of the State of Wisconsin. (12/27/77)