

**RESOLUTION NUMBER 2019-01**

**RESOLUTION ADOPTING AMENDMENTS TO CHAPTERS 3, 4 AND 5 OF THE RULES AND REGULATIONS OF THE POLICE AND FIRE COMMISSION RELATED TO HIRING PROCEDURES**

**WHEREAS**, chapters 3, 4 and 5 of the Rules and Regulations for the City of Beloit Police and Fire Commission provide procedures and policies related to the hiring procedure of Police and Fire Departments; and

**WHEREAS**, it has been considered by the Commission and it is appropriate to amend Chapters 3, 4 and 5 to ensure clear processes for hiring of employees within the police and fire service.

**NOW, THEREFORE, BE IT RESOLVED** that the Police and Fire Commission of the City of Beloit hereby resolves that:

**SECTION 1.** Chapters 3, 4 and 5 of the Rules and Regulations of the Police and Fire Commission are hereby amended to read as found in Exhibit A, which is attached hereto and incorporated herein by reference:

**SECTION 2.** The provisions of this resolution shall be deemed severable and it is expressly declared that the Police and Fire Commission would have passed the other provisions of this resolution irrespective of whether or not one or more provisions may be declared invalid and if any provision of this resolution, or the application thereof to any person or circumstances is held invalid, the remainder of the resolution, and the application of such provision to other persons or circumstances, shall not be affected thereby.

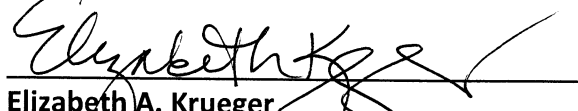
**SECTION 3.** The changes made by this resolution shall be incorporated into the Rules and Regulations of the Police and Fire Commission and shall be in force and take effect immediately.

Adopted this 28<sup>th</sup> day of May, 2019.

**POLICE AND FIRE COMMISSION**

  
Mardell Jacobsen, President

**Attest:**

  
Elizabeth A. Krueger  
Interim Human Resources Director

## 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.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)
- (3) ~~(B)~~b. An applicant for the position of Fire Fighter shall possess a valid National Registry or Wisconsin Emergency Medical Technician-Basic license 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)
- (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) 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 Office. Failure to complete the application form shall result in rejection of the application. (4/9/92)
- 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~~<sup>Division</sup> 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.
- 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:
- (1A) Patrol ~~o~~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)
- (2B) Fire Fighter Applicant. Examination of applicants includes a written test and a 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)
- 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)
- (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)
- (2b) 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)

(2) **Fire Fighter Applicant.** A written test shall be administered by persons designated by the Commission.

(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%.

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)

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)

(2B) **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)

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)
- (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 for 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 ~~Medical Review Officer designed by the Commission.~~ (8/16/90)
  - b. Within ten (10) working days after receipt of the test result report from the testing laboratory, the ~~Chief of the Department or~~ Human Resources Department shall inform the applicant and the Chief in writing of a positive test result.
- (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 ~~Medical Review Officer and to the Commission~~ information that the applicant believes provides a legitimate explanation for the positive test result. The applicant shall provide to the Human Resources Department ~~Commission and the Chief of the Department~~ written waivers of confidentiality for information submitted by the applicant.
  - 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 Medical Review Officer~~ shall coordinate the review of the test documentation and the applicant's explanatory information with a medical professional who ~~and~~ 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.
- d. The legal use of drugs prescribed by a licensed physician may be permitted, providing that any applicant inform the Human Resources Department Chief of the Department that such drugs have been prescribed. The applicant will be required to inform the Human Resources Department Commission 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.
- 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.

(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.~~The Commission and the respective Department shall ensure that only Human Resources necessary to the employment decision have access to drug test records.~~
- b. All records pertaining to drug tests performed pursuant to Sub. (1) shall remain confidential and retained by the Human Resources Department Medical Review Officer 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 City Human Resources Division.~~

4.3. To the applicant or applicant's designee.  
(8/16/90)

5.11 ELIGIBILITY LIST-FIRE DEPARTMENT

- (1) Upon conclusion of the candidate examination process, the Commission, in consultation with the Chief, ~~may~~ shall prepare and certify an eligibility pool 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.
- (2) Whenever it becomes necessary to fill a vacancy ~~in the Fire Department~~, the Chief shall ~~shall~~ may choose an applicant from the eligibility pool 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.
- (3) The certified eligibility pool shall expire twenty-four months from the date of certification for Fire candidates and six months for Police candidates, unless extended or discontinued by the Commission. The names on the list shall be in alphabetical order.  
(08/22/16)

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