



DES PLAINES BOARD OF FIRE AND POLICE COMMISSIONERS AGENDA

SPECIAL MEETING

OCTOBER 19, 2022

FIRST FLOOR CONFERENCE ROOM – 10:00 A.M.

Call to Order: 10:03 am

Roll Call:

Albrecht: Present

Green: Present

Lester: Present

D. Michael Albrecht	Commissioner	David Anderson	Police Chief
Thomas Green	Commissioner	Dan Shanahan	Deputy Chief - Patrol
Debra Lester	Commissioner	Daniel Anderson	Fire Chief
		Matt Matzl	Deputy Chief of Operations
		Sam Foster	Deputy Fire Chief
		Dorothy Wisniewski	Assistant City Manager/ Finance Director
		Becky Madison	Recording Secretary/ Director of Human Resources
		Caitlyn Culbertson	Attorney – Elrod Friedman
		Caitlin Kozlowski	Patrol Officer
		Jennifer Nelson	Patrol Officer - Training
		Sarah Gianni	Management Analyst

Public Comment: none.

Old Business: none.

New Business:

1. Approval of the September 9, 2022, Special Meeting minutes.

Motion to approve Special Meeting Minutes of September 9, 2022, as presented.

Motion Made by	2 nd	Albrecht	Green	Lester
Green	Lester	Aye	Aye	Aye

Motion carried.

2. Review and approval of the Police Lateral Entry application.

Police Chief Anderson introduced and explained the Lateral Entry process for new patrol officer hires. The BFPC and City Council have approved the change to rules and regulations. Therefore, the objective of the discussion is to give information and get feedback from the BFPC. It was reiterated by Chief Anderson that no board action is required, the goal is just to ensure everyone is on the same page.

The Chief Anderson then explained the overall lateral entry process, asking that questions be held until the end. The lateral entry documents were reviewed by all. It was reiterated that nothing for the background investigation process would change. The same is true for short-forms, which would be brought to the board's attention as before. The key advantage of this new process is that there is no creation of a ranked list, instead there would be an applicant pool. If a candidate applies and has a skill set the department needs, the department reaches out to the board and makes a request for approval of a conditional offer.

Commissioner Albrecht made several inquiries about the Lateral Entry process, including the specific skill needs of the department the Lateral Entry pool process could fill and the benefits of the system when it comes to staggering retirements. Additionally, there was discussion regarding mid-grade hiring for lateral entries. Preliminary discussion with the unions has taken place, along with reviewing the policies of comparative municipalities. Most other municipalities offer bonuses instead of mid-grade hiring, which would make Des Plaines more attractive for talent. If the process is approved, the next step for the Police Department to reach out to the Union. Thus far, the Union does seem to be on board with this lateral process and mid-grade hiring.

Commissioner Albrecht's inquired about whether conditional offer recommendations in the lateral program would require a memo or a vote, Chief Anderson responded that would not be necessary as the candidate would have already been approved earlier by the BFPC, but that the Police Department would still reach out and see if there were any disagreements. There would not need to be a formal vote. Commissioner Albrecht asked a follow up question pertaining to whether there was concern about the department receiving lateral applicants with "baggage" from other municipalities. While Police Chief Anderson acknowledged this could be an issue, the depth of the background investigation and ability to ask in-depth questions during the interview process would make it difficult for issues to be hidden.

Commissioner Lester asked about a hypothetical situation wherein two candidates were equal in terms of skills, experience, etc. but one would come in at a higher paygrade and the other would come in at a lower paygrade. Would the decision be made to hire the person coming in at the lower grade and could it be considered discriminatory? Assistant City Manager/Finance Director Dorothy Wisniewski responded she does not believe the City would ever be in the position to hire someone just because they would come in at a lower paygrade, she would recommend against it. There would need to be other qualities that put one over the edge. Police Chief Anderson noted it would make more strategic sense in terms of staggering retirement dates to hire the candidate who has had more experience, all else being equal.

A review of the application process for Lateral Entry came next. Commissioner Albrecht inquired about the minimum age requirements and exceptions in the qualifications section. Chief Anderson stated the reason for the exception was to allow for more experienced applicants who were already certified officers. Another exception is for military service. The application will be online as a fillable PDF.

Discussion then turned to a review of the draft Lateral Entry interview questions. Commissioner Albrecht asked whether the board would be selecting the interview questions from the list of 26, to which Chief Anderson responded it was up to the board. These questions were created by the Police Department in collaboration with senior staff and detectives with the express purpose of uncovering as much information as possible to make an informed decision. Commissioner Albrecht asked if there were any contradictions in respect to a candidate's response in the background and their response in the interview, would a detective be able to bring that to the attention of the board. Chief Anderson responded in the affirmative and noted that the detective who performed the background investigation would be sitting in on the interview anyway. Furthermore, the detective will come in before the interview and the board will be able to ask questions about the candidate before the interview commences. Overall, the desire is to utilize both the lateral entry pool and new hire list to balance levels of experience when hiring.

Commissioner Albrecht asked whether there may be any issues of resentment for lateral entry officers. Deputy Chief Shanahan noted there had been lateral hires done in the past, and that there were no issues with assimilating. Police Chief Anderson added that, having spoken with other Chiefs, there are some departments that have trouble, but they are mainly smaller departments that therefore have less opportunity for promotion.

When the question of how the City will approach announcing that lateral entry hiring is available by Commissioner Albrecht, Chief Anderson observed that current officers and those who would benefit from the lateral hiring process already know where to look for such announcements. The main difference is that word of mouth would also be utilized. In fact, he already has interested candidates calling. Overall, Chief Anderson believes word of the lateral process will get out very quickly. It was also confirmed that the lateral process would not have to go back to Council.

Regarding the interview questions, there was interest expressed in reviewing the questions and perhaps cutting some considering the volume. Human Resources Director Madison noted that the interviewing aspect of lateral hires is critically important as it allows the board to understand the candidate's philosophy on policing. Fire Chief Anderson agreed, stating that the interview questions can be candidate dependent. Assistant City Manager/Finance Director Dorothy Wisniewski added these questions could be position dependent as well. Deputy Chief Shanahan also noted that current staff in the position or command staff could also assist with questions. Commissioner Lester agreed that if there are more questions, it provides more opportunities to dig into the candidate. She also had previously discussed with Police Chief Anderson what the department was looking for in terms of answers to the questions.

There was a discussion about whether lateral entry hires are put "back in blues" during their probationary period. Police Chief Anderson confirmed that the department would utilize all their current policies and procedures, they would go back to patrol for their probationary period. Mainly, they try to ensure the officer is off probationary status before they get assigned to a specialty. Deputy Chief Shanahan observed that having lateral hires and new officers working together on the same shift, such as the midnight shift, will provide an experience benefit for new officers.

Commissioner Albrecht inquired about whether the Fire Department is looking into a lateral entry program as well. Fire Chief Anderson responded that there has not been much push for such a program as there is still a high volume of applications. Commissioner Lester asked whether such a process was even allowed in the statute, to which Fire Chief Anderson responded that it is indeed allowable, but it is strict.

At the close of the discussion, Commissioner Albrecht asked whether the board had to take formal action or just approve the process. It was confirmed that all that was needed was a consensus that the board agrees to move forward with this process. Police Chief Anderson also noted that it is possible to hold a practice interview for the board to get used to the process and questions. Commissioner Lester stated she felt the application looked very professional. Police Chief Anderson noted that there would be a review of competitors of the vendor IO Solutions at the start of next year. The process was approved. Commissioner Lester requested a short break.

Recess began at 11:06 a.m.

Recess concluded at 11:14 a.m.

3. Review of the board approval requirements on psychological examinations. (19:14 Part 2)

Commissioner Albrecht reconvened the meeting. He began the discussion on if a candidate fails their psychological examination. Human Resources Director Madison stated it is important to confirm that there is no accommodation that can be made based on the failure. It may be worth pushing it back to the psychologist to determine whether they can recommend an accommodation or not. Attorney Culbertson noted the rules provide three options on such an occasion: First, one could accept the failure recommendation by the psychologist and move on. Second, one could get a second examination. Third, one could pursue a reasonable accommodation.

In that same vein, Commissioner Albrecht asked whether the Board even receives enough information from a psychological report to reconsider a psychologist's recommendation. Commissioner Lester noted there are specifics in the report, though it may be redacted. She continued by noting the role of the board is not so much questioning the psychologist's opinion on whether the person is an acceptable candidate or what's in the test scores, but there is concern that much of the psychologist's opinion is based on self-reporting. The board is then responsible for making sure the information given is consistent with all the other information gathered on the candidate, such as the interview or polygraph. Overall, passing isn't overriding the psychologist's recommendation, instead passing by the board indicates that the psychological report and compared that information to the other information gathered on the candidate, and all of the above is consistent. If the candidate tells the psychologist something different, it must be questioned. Commissioner Lester further questioned if the Board had not passed the candidate, how can they start as an employee? The board needs to do that as part of their process.

Attorney Culbertson noted that, according to the rules as they stand, the role of the psychological examination is delegated to a psychologist who then gives a report that has a pass or fail for the exam. There is no real discretion by the board, other than if it's a fail the board can take some other steps. With the report, there is not much in the way of the board being able to affect the psychologist's determination.

Commissioner Lester inquired about a potential revision to the rules that would state that after the medical and psychological examinations are done, the BFPC has the right to ensure what's reported is consistent with the other information collected. Any inconsistencies must be resolved.

Police Chief Anderson brought up an example where it was found that a candidate had not been honest in the process. The person was then terminated due to the inconsistency. If at any point an inconsistency is discovered or it is determined that a candidate lied, the board should communicate that with the department head, regardless of whether the person is in the Academy, has a conditional offer, or is an employee. There would be a move for termination. If an issue is discovered ahead of time, the department head must be notified. If someone lied, it is irrelevant whether they passed the psychological examination.

Assistant City Manager/Finance Director Dorothy Wisniewski asked if perhaps there could be a formal vote based on all the information holistically. What is not recommend is for the board to say they are voting specifically on the psychological examination. Attorney Culbertson pointed out that this could delay the overall process of hiring. In terms of the process, the conditional offer is always before a medical or psychological examination, as noted by Assistant City Manager/Finance Director Dorothy Wisniewski. In terms of the process, once the psychological examination results are received by Human Resources Director Madison, she sends them to the board for their review and comments, at which point the BFPC will be convened if needed. However, there are occasions where the timing does not work out, such as when the Academy is starting. Commissioner Lester stated she would be happier waiting for all the information before sending someone to the Academy. Deputy Chief Shanahan disagreed, noting that missing the Academy could cause a delay of three to four months.

When discussion turned to the timing of conditional offers and what can be done when a candidate has received one, Assistant City Manager/Finance Director Wisniewski noted this question could be looked into further as it may not be best to rescind a conditional offer. Perhaps it is better to deal with an issue when the candidate is an employee.

Commissioner Albrecht continued that if a red flag is discovered in the psychological exam, which only the board and Director of Human Resources sees, then the board is mandated to take some sort of action. Police Chief Anderson stated that if they pass the psychological examination, the candidate has met the terms of the conditional offer. Assistant City Manager/Finance Director Wisniewski agrees, stating the board would have to determine in a reasonable accommodation can be made for the candidate to complete the essential functions of the job.

Commissioner Green stated he had a question about the statute. As he interpreted it, the statute stated the psychological test must happen after the conditional offer. If something is discovered after the fact, it is no longer an issue for the board, instead it becomes a city employment issue. Assistant City Manager/Finance Director Wisniewski asked if inconsistencies are discovered, is it the board's decision or the Employer decision? She recommended having the City's employment attorney give guidance on this issue. Police Chief Anderson felt it was the City's responsibility once the conditional offer went out, whereas Commissioner Lester felt it was still the board's responsibility since Police and Fire hiring falls under the BFPC. Assistant City Manager/Finance Director Wisniewski recommended speaking to legal to determine what is considered an employee of the City. Attorney Culbertson indicated that once the conditional offer is made, it truly becomes a question of whether the candidate can pass the tests. Commissioner Lester agreed, but felt that this conditional offer also must include approval by the board. She recommended creating something in writing noting the board did not have an issue with the candidate's results.



Commissioner Albrecht added if a lie or inconsistency is discovered in the application process, then the person can be eliminated. Attorney Culbertson stated that would be the case only before the conditional offer is made. It is only conditioned on passing the two testing items. She offered to consult with the labor counsel on this question of disqualification language. Assistant City Manager/Finance Director Wisniewski stated this will be investigated, with particular emphasis on whether there are other boards with this recommended follow-up step, like a final interview. Attorney Culbertson stated she is aware of some boards that do utilize a final interview but are looking to remove it as it holds up the process. She reiterated the best course of action is to reach out to the City’s labor counsel. Assistant City Manager/Finance Director Wisniewski stated the City will follow up with its labor attorney regarding conditional offers, psychological and medical examinations to determine the recommended process for the board. For now, Attorney Culbertson recommends notifying Becky if the board notices something in the psychological examination.

Executive Session starts at 12:16 p.m. (1:21:00 of Part 2 recording)
Back in Regular session at 12:21 p.m. (1:28:00 of Part 2 recording)

New Business Continued:

1. Consideration of motions pertaining to the retention or removal of Probationary Firefighter Candidates from continued consideration in the selection process.
 - i. Motion to proceed with short form for fire candidate #36 Ryer Essenburg.

Motion Made by	2 nd	Albrecht	Green	Lester
Lester	Green	Aye	Aye	Aye

Motion Carried. Candidate disqualified.

2. Consideration of motions pertaining to the retention or removal of Probationary Police Officer Candidates from continued consideration in the selection process.
 - i. Motion to proceed with short form for police candidate #160 Shah

Motion Made by	2 nd	Albrecht	Green	Lester
Lester	Green	Aye	Aye	Aye

Motion Carried. Candidate disqualified.

- ii. Motion to proceed with short form for police candidate #154 Cabaluna

Motion Made by	2 nd	Albrecht	Green	Lester
Green	Lester	Aye	Aye	Aye

Motion Carried. Candidate disqualified.



3. Motion to pass/fail Probationary Fire Candidate on psychological evaluation.

Candidate #	Candidate Name	Motion/ 2nd	Albrecht	Green	Lester	Comments
11	Scialabba	Motion to Pass: Lester/ 2 nd Green	Aye	Aye	Aye	Unanimous Scialabba Passes Motion carried

Returned to Item 2, Consideration of motions pertaining to the retention or removal of Probationary Police Officer Candidates from continued consideration in the selection process for one candidate.

iii. Motion to proceed with short form for police candidate #153 Henry

Motion Made by	2 nd	Albrecht	Green	Lester
Green	Lester	Aye	Aye	Aye

Motion Carried. Candidate disqualified.

Report of Commissioners (1:32:00 in Part 2 recording)

Commissioner Lester asked whether the Board had to consider the assessment center for the upcoming lieutenant exam for the Fire Department. Fire Chief Anderson confirmed that, per the contract language, the Illinois Fire Chiefs will be doing the assessment. Commissioner Lester asked whether the Board’s rules are superseded—where the assessment center is hired by the Board. Attorney Culbertson stated she will double check and confirm with the Chief and let the Board know.

Commissioner Lester handed certificate of appointments to Deputy Chief Shanahan to hand out to officers. Certificates of appointment were also handed out to Fire Chief Anderson.

Motion to adjourn.

Motion Made by	2 nd	Albrecht	Green	Lester
Lester	Albrecht	Aye	Aye	Aye

Motion carried.

Adjourned at 12:26 p.m.

Next Special Meeting: To be determined.

Next Regular Meeting: December 12, 2022

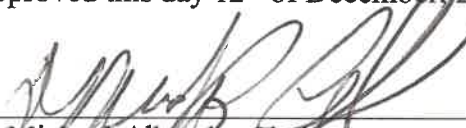
Respectfully submitted,



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Sarah Gianni
Human Resources Management Analyst

Approved this day 12th of December, 2022



D. Michael Albrecht, Chairman

Secretary