

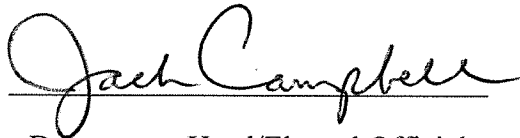
Resolution No. 8-1

WHEREAS, the Sheriff's Office and Merit Commission have identified the need to increase the number of Merit Commission members from three (3) to five (5); and

WHEREAS, this increase will improve the overall effectiveness and timeliness of the committee to plan, implement and evaluate both promotional and employment testing for Deputies, Court Security and Correctional Officers as well as compile and document all other records reflective of the responsibilities of the Merit Commission, including disciplinary, termination and some collective bargaining requirements; and

WHEREAS, the applicable County Code changes have been reviewed and identified in the attached;

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD MEMBERS OF SANGAMON COUNTY, in session this 8th day of October, 2019 A.D., that the attached County Code changes be adopted increasing the Merit Committee Membership from three (3) to (5).


Department Head/Elected Official

County Board Chairman

FILED

OCT 01 2019


Sangamon County Clerk

RECEIVED
2660

SEP 27 2019

Andy Goleman
SANGAMON COUNTY AUDITOR

Jail Committee Approval

[Signature]
Chair

[Signature]
Vice-Chair

[Signature]
Member

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Chapter 2.52 - MERIT COMMISSION FOR COUNTY SHERIFFS⁽¹⁰⁾Sections:

Footnotes:

--- (10) ---

For statutory provisions regarding merit systems for deputy sheriffs, see Ill.Rev.Stat.1973, Ch. 34 §859.1.

I. - COMMISSION

2.52.010 - Deputy sheriff defined.

The term "deputy sheriff" as used in this chapter means those deputies in the office of sheriff of Sangamon County who are actually engaged in law enforcement proper as distinguished from jail keeping, process serving bailiff duty, or merely administrative, clerical, stenographic, janitorial or other duties only indirectly related to law enforcement.

(Res. 18 §2, December 12, 1967).

2.52.020 - Established—Title—Members.

~~There is hereby established and created a~~ The commission to be known as the "Sangamon County merit commission for deputy sheriffs," ~~to consist consisting of three members to be appointed by subsequent resolution of the county board.~~ is hereby increased to a five-member commission.

(Res. 18 §1, December 12, 1967).

2.52.030 - Initial appointments—Term—Vacancy filling.

The initial appointments of all members shall begin upon the first day of the month next following the enactment of the board's resolution appointing the commission members; of the initial three-member commission appointments, one shall be for a term of two years, one for a term of four years and one for a term of six years; the additional two members shall be appointed to serve for terms of three and five years, respectively; and thereafter all appointments shall be for terms of six years, except that appointments to fill vacancies shall be for the unexpired term of the commission member whose vacancy is being filled.

(Res. 18 §3, December 12, 1967).

2.52.040 - Political party restrictions.

No more than ~~two~~ three of the members of the five-member commission shall be from the same political party. ~~and all commission members shall serve without compensation unless the board by resolution hereafter provides otherwise and thereupon appropriates the provided compensation.~~

(Res. 18 §4, December 12, 1967).

2.52.050 - Organization—Powers and duties of officers.

- A. The officers of the merit commission shall be: chairman, vice-chairman and secretary.
- B. All officers shall be elected by a simple majority vote of the merit commission. The term of office of said officers shall be two years, or until the term of office as a member of the commission shall expire, whichever period is shorter.
- C. The chairman shall preside at all meetings and shall perform all duties required of him by the rules, regulations and procedures codified in this chapter.
- D. The vice-chairman shall preside at meetings in the absence or disability of the chairman.
- E. The secretary shall keep the minutes and records of the commission.

(Res. 9 Art. 1(A), June 23, 1969).

2.52.060 - Office and staff.

The commission may maintain an office in Springfield, Illinois, where its files and records shall be kept.

(Res. 9 Art. 1(B), June 23, 1969).

2.52.070 - Meetings.

Regular meetings of the commission shall be held quarterly or more frequently as business of the commission may require. Other meetings may be called as necessary by the chairman or upon the call of ~~two~~ three members of the commission. The chairman must notify each of the commission members specifying the time and place of such meetings at least three days prior to the meeting. Commission meetings shall be conducted under Robert's Rules of Order.

(Res. 9 Art. 1(C), June 23, 1969).

2.52.080 - Voting.

On all matters brought before the commission, the concurrence of at least ~~two~~ three members of the commission shall be necessary for a decision and the action of such a majority shall be the act of the commission.

(Res. 9 Art. 1(E), June 23, 1969).

2.52.090 - Quorum.

At meetings, ~~two~~ three members of the commission shall ~~normally~~ constitute a quorum and shall conduct the business of the commission.

(Res. 9 Art. 1(D), June 23, 1969).

2.52.100 - Changes in rules, regulations and procedures.

The commission shall recommend to the county board changes in the rules, regulations and procedures codified in this chapter only after the sheriff's department has been notified of the proposed changes and has been afforded an opportunity to comment formally on such changes.

(Res. 9 Art. 1(F), June 23, 1969).

2.52.110 - Minutes and recordkeeping.

The commission shall:

- A. Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential, except that any member of the department shall be permitted on request to examine his graded written examinations and efficiency reports, and except that, where practical, an unsuccessful applicant shall be informed of the reason for his rejection upon written request for such information;
- B. Keep and maintain the minutes of all meetings, and report the decisions rendered to appropriate parties;
- C. Carefully compile and maintain a transcript of all disciplinary proceedings;
- D. Keep and maintain all other records and files necessary for the proper administration and operation of the commission's business, including any information required for compliance with the requests of the county board for reports of activity.

(Res. 9 Art. 1(G), June 23, 1969).

2.52.120 - Inspections and investigations.

At the request of the sheriff, or at its own discretion, the commission may inspect and investigate those phases of the sheriff's department's personnel management program which are within its purview. The commission may report its findings to the county board of supervisors.

(Res. 9 Art. 1(H), June 23, 1969).

2.52.130 - Mileage reimbursement.

Members are to be reimbursed at the rate of twenty dollars per diem and a mileage rate of nine cents per mile. (Res. 8, October 10, 1972; Res. 9 Art. 1(I), June 23, 1969).

2.52.135 - Compensation of members.

Pursuant to 55 ILCS 5/3-8006, the members of the sheriff's office merit commission shall be paid seventy-five dollars for each meeting of the commission.

(Res. No. 2, § 7, 6-25-2009; Res. No. 17, § 7, 8-11-2009)

II. - DEPARTMENT

2.52.140 - Ranks—Designated.

For the purposes of the administration and operation of the merit system of the sheriff's department, the ranks in the sheriff's department shall be:

- A. Captains;
- B. Sergeants;
- C. Deputy sheriff, deputy sheriff (woman).

(Res. 9 Art. 2(A), June 23, 1969).

2.52.150 - Ranks—Considered positions when—Tenure.

The ranks of sergeant, deputy sheriff and deputy sheriff (woman) are considered positions rather than assignments, and persons meeting the requirements of the qualifications and appointment procedures stated elsewhere in these rules, regulations and procedures can attain tenure in these positions.

(Res. 9 Art. 2(B), June 23, 1969).

2.52.160 - Rank of captain deemed an assignment.

The rank of captain is considered an assignment rather than a position and may be made at the discretion of the duly elected sheriff from the ranks of those persons who have attained tenure in the rank of sergeant.

(Res. 9 Art. 2(C), June 23, 1969).

2.52.170 - Sheriff's office considered an assignment when.

The sheriff, if elected from the ranks of tenured personnel, is considered an assignment. When an individual is removed from this assignment, he reverts back to his tenured position and rank.

(Res. 9 Art. 2(D), June 23, 1969).

2.52.180 - Entry into merit system.

The rank of deputy sheriff is the sole point of entry into the departmental merit system.

(Res. 9 Art. 3(A), June 23, 1969).

2.52.190 - Deputy sheriff—Appointment standards.

- A. Applicants for appointment as deputy sheriff to the sheriff's department, in addition to meeting the standards prescribed by the Illinois Revised Statutes, must:
1. Be no younger than twenty-one years of age nor older than forty years of age at the time his application is received by the commission;
 2. Be a high school graduate, or have a certification of equivalency;
 3. Be no less than five feet six inches tall nor more than six feet five inches tall;
 4. Have weight in proportion to height;
 5. Possess a valid Illinois driver's license at the time of application;
 6. Pass a physical examination by a doctor on an approved list maintained by the commission;
 7. Have been fingerprinted under supervision of the Sangamon County sheriff's office;
 8. Meet such other mental, medical and physical standards as may be prescribed from time to time by the commission;

9. Be acceptable to the commission following an investigation of background, reputation and character;
 10. Be acceptable to the commission after oral interview;
 11. Be adjudged as qualified by the commission and placed on a list of qualified applicants;
 12. Be appointed from the qualified list by the sheriff when a vacancy, or vacancies, exist;
 13. Serve successfully a one-year probationary period, during which time he is subject to removal by the sheriff. The commission shall be notified by the sheriff in writing of the cause of the appointee's removal.
- B. The merit commission is authorized to waive the age, physical and educational standards set forth herein in their discretion.

(Res. 9 Art. 3(B), June 23, 1969).

2.52.200 - Deputy sheriff—Certification of tenure.

After successfully completing the entire process, the commission shall certify the deputy sheriff.

(Res. 9 Art. 3(C), June 23, 1969).

2.52.210 - Appointment procedure—Commission responsibilities.

The responsibilities of the merit commission include:

- A. Preparing and posting prominently a list of all qualified candidates at the completion of each entry screening process. These lists will be maintained for one year or until the list is exhausted, whichever is shorter. Tests will be held each year with a candidate who still meets the age, physical, mental and character requirements able to retain his status on said qualified list by advising the merit board of his intent to do so;
- B. Notifying all qualified candidates of their acceptability and that they are being placed on the qualified list;
- C. Within fifteen days, any qualified candidate who declines to accept an appointment will be replaced for said appointment by another qualified candidate; two refusals to accept an appointment constitutes grounds for removal from the qualified list.

(Res 9 Art. 3(D), June 23, 1969).

2.52.220 - Leaves of absence.

- A. Leaves of absence without pay may be granted to any member of the sheriff's department covered by the merit system, irrespective of rank. Such leave may be granted whether the officer has or has not completed his probationary period.
- B. All leaves of absence, except for requested military and government service, shall be for one year or less, with the privilege of requesting a new leave at the expiration of the first. Leaves of absence shall be granted by the sheriff with the approval of the commission. An officer on leave of absence who accepts a position other than that for which the leave is granted, without written approval of the sheriff and the commission, shall be deemed to have resigned. An officer who fails to return to his position following the granted leave, or to request and be granted a new leave of absence on or before the expiration date of his first leave, shall also be deemed to have resigned.

- C. The sheriff and the commission are the sole judges of the appropriateness of the reasons and purposes for which the leave is requested and they alone shall establish the conditions for approval of such request.

(Res. 9 Art. 7(A), June 23, 1969).

2.52.230 - Promotion—Eligibility standards—Procedures required.

- A. To be eligible for promotion to sergeant or captain, a candidate:
1. Must have served successfully as a full-time paid deputy sheriff at the level immediately below the one for which he is a candidate according to the following pattern:
 - a. One year for deputy sheriff to sergeant,
 - b. One year for sergeant to be assigned captain;
 2. At the time of holding of examination for promotion, must not be in any of the following categories:
 - a. Under suspension,
 - b. On leave of absence, except for military service,
 - c. On inactive duty due to disability;
 3. Must possess above average performance evaluation for the previous year;
 4. Must be found to be in acceptable physical condition after a thorough medical examination, said examination to be paid for by the county.
- B. After meeting these minimal standards, the candidate:
1. Must file a formal application with the commission;
 2. Take and successfully pass any written or oral promotional examination for the appropriate rank and position offered by the commission;
 3. Be adjudged to be qualified and placed upon a list of qualified applicants by the commission;
 4. Be selected from the qualified list and appointed to the appropriate position and rank by the sheriff when a vacancy or vacancies occur;
 5. Serve successfully a probationary period of six months, during which time he is subject to be returned to his tenured rank by the sheriff after written notification of cause is filed with the commission.

(Res. 9 Art. 4(A), June 23, 1969).

2.52.240 - Promotion—Certification of tenure.

After successfully completing the above promotional procedure, he shall be certified as tenured at the appropriate position and rank by the commission.

(Res. 9 Art. 4(B), June 23, 1969).

2.52.250 - Promotion—List of qualified candidates required.

Lists of qualified candidates shall be prepared and prominently posted at the completion of each promotional screening by the commission. Such lists shall remain in force for one year or until exhausted, whichever is shorter.

(Res. 9 Art. 4(C), June 23, 1969).

2.52.260 - Tenure certification for existing deputy sheriffs and sergeants.

Those deputy sheriffs and sergeants who have served in the sheriff's department prior to the effective date of the rules and regulations codified in this chapter shall be certified as tenured as of the effective date of such regulations.

(Res. 9 Art. 4(D), June 23, 1969).

2.52.270 - Conduct—Rules and regulations—Disciplinary action applicable when.

- A. Any member of the sheriff's department who shall be guilty of any of the acts set forth in subsection B of this section shall be subject to disciplinary action by the sheriff and the merit commission.
- B. No member of the sheriff's department who is under the jurisdiction of the merit commission shall:
 1. Violate any law or statute of the United States or of the state;
 2. Violate any county or municipal ordinance;
 3. Violate any of the general orders, special orders or rules and regulations of the sheriff's department which are not inconsistent with the rules, regulations, and procedures codified in this chapter;
 4. Fail to obey a lawful order;
 5. Be insubordinate to or show disrespect for a superior officer;
 6. Mistreat a subordinate;
 7. Neglect to perform his duties efficiently and effectively;
 8. Engage in any conduct unbecoming to a member of the department or which tends to reflect discredit upon the department;
 9. Leave his post without permission or without being properly relieved, or be absent from duty without leave or appropriate permission;
 10. Wilfully destroy or damage any department property or use such property without authority;
 11. Receive, solicit, or attempt to solicit money or anything of value for performing or failing to perform any assigned duty;
 12. Accept any other employment except with sheriff's written permission, copies of which permission shall be promptly furnished to the commission;
 13. Disseminate or release any information concerning essential police matters except where properly authorized to do so;
 14. Engage in any manner in the activities or interest of any political party or of any candidate for public office or for the nomination therefor, nor participate in any manner in the political campaign for the nomination or election of candidates for public office. Nothing contained herein shall be deemed to interfere with the right of any person to vote for any candidate and upon any issue as his reason and conscience may dictate.

(Res. 9 Art. 6(A), (B), June 23, 1969).

2.52.280 - Disciplinary measures.

- A. By the sheriff. The sheriff, without filing charges with the commission, may take the following disciplinary measures for infractions of the rules, regulations and procedures codified in this chapter:
1. Reprimand a subordinate orally;
 2. Reprimand a subordinate in writing and place a copy in his merit board file;
 3. Assign to a subordinate extra duty in his regular assignment or otherwise, with or without pay, not to exceed eight hours in any one week nor forty hours in any three-month period;
 4. Suspend a subordinate for any reasonable period of time not to exceed a total of thirty days within a twelve-month period.

The sheriff may suspend any subordinate for a period in addition to the above-limited thirty days only after charges against that member have been filed with the commission and pending the decision of the commission on those charges. All disciplinary measures by the sheriff will become a part of the deputy's merit board file.

No other disciplinary measures shall be taken by the sheriff except by the order of the commission.

- B. If the commission, after a hearing upon charges, shall make a finding of guilty, it may order any of the following disciplinary measures which, in the opinion of the commission, the offense merits:
1. Suspension for a period not to exceed a total of one hundred eighty days in any twelve-month period;
 2. Reduction in rank;
 3. Discharge and removal from the sheriff's department.
- C. If the commission makes a finding of not guilty, it shall require the sheriff's department to:
1. Restore the accused to duty forthwith at the rank and position from which he was suspended;
 2. Make provision to continue the accused's seniority as if it had never been interrupted;
 3. See that the officer is properly reimbursed for any loss of salary.

The difference between any moneys earned at other employment while under suspension and salary shall provide the basis for such reimbursement.

The commission also hereby prohibits the sheriff from using his own power of discipline in such a manner as to punish a man who has been found not guilty by the commission.

(Res. 9 Art. 5(A), June 23, 1969).

2.52.290 - Disciplinary procedures.

- A. Complaints. In all cases where the sheriff desires to discipline a subordinate beyond the measures previously prescribed, he shall file with the commission a written complaint in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based and the specific section or sections of the rules, regulations and procedures codified in this chapter which the accused member is charged with violating.
- B. Notification of Hearing. On receipt of a complaint from the sheriff, the commission will send a letter to the accused subordinate, enclosing a copy of the complaint. The letter shall advise of the filing of the complaint and set forth the time and place for an early hearing on the charges contained in the complaint. The letter shall be sent by registered or certified mail, return receipt requested, at the residence address of the subordinate shown on the face of the complaint. Delivery of the letter to his residence as shown by the return receipt shall constitute service of the complaint on the accused.

A copy of the letter shall be mailed to the sheriff and shall constitute notice to him of time and place of the hearing on the complaint.

C. Hearings on Charges. All hearings shall follow these procedures:

1. All hearings shall be public;
2. At the time and place of hearing, the sheriff and the accused may be represented by counsel if they desire;
3. All proceedings before the commission during the hearing shall be recorded by a court reporter to be employed by the commission;
4. All witnesses shall be sworn by the chairman or another member of the commission prior to testifying;
5. The commission will first hear the witnesses substantiating the charges which have been made. Thereafter, the accused may present and examine those witnesses whom he desires the commission to hear. All parties shall have the right to examine and to recall witnesses.

D. Decision on Charges. After the commission shall have made its finding and determined its order, it shall mail to the accused member by registered or by certified mail, return receipt requested, a notice of the finding and order of the commission. A copy of the notice shall be mailed to the sheriff.

E. Subpoenas. The sheriff and the accused subordinate, or their respective counsel, may at any time before the hearing apply to the commission for subpoenas directed to specific persons requiring their appearance at the hearing and, if necessary, requiring them to produce at the hearing books, papers, records and such other things as may be relevant to the hearing. The application shall specify the names and addresses of the persons to be subpoenaed and the documents and things which they are to be required to produce. The requested subpoena will be issued.

Subpoenas issued by the commission shall be served by the sheriff's department.

F. Filing of Papers. For the purpose of these rules, regulations and procedures, the filing date of any paper shall be the date it was received in the commission's office.

G. Form of Papers.

1. All papers filed in any proceeding shall be type-written or printed and shall be on one side of the paper only.
2. If typewritten, the lines shall be double-spaced, except that long quotations may be single-spaced and indented.
3. All papers shall be not larger than eight and one-half inches wide by eleven inches long and shall have inside margins of not less than one inch.
4. The original of all papers filed shall be signed in ink by the party filing the paper or by his counsel.
5. If papers are filed by an attorney, his name and address shall appear thereon.

H. Continuance of Hearing. No hearing shall be continued at the request of any of the parties thereto or their counsel, unless such request is made in writing at the commission's office at least five days before the date for which the hearing is scheduled.

(Res. 9 Art. 5(B), June 23, 1969).

2.52.300 - Reinstatement requirements.

Should a former member desire to again affiliate himself under the merit system with the sheriff's department, he must once again meet the basic requirements for appointment to the sheriff's department and successfully complete the screening process in competition with all other applicants. Any tenured

personnel running for sheriff, if elected or appointed, will retain his tenured position on completion of his elective office.

(Res. 9 Art. 7(B), June 23, 1969).

III. - AUXILIARY DEPUTIES

2.52.310 - Appointment authorized—Maximum number designated.

The Sangamon County Sheriff may appoint auxiliary deputies, with the maximum number to be set at no more than two hundred members.

(Res. 6, February 8, 1977).