

ADAMS COUNTY SHERIFF'S DEPARTMENT MERIT COMMISSION
RULES, REGULATIONS AND PROCEDURES

Pursuant to its responsibility for the administration and operation of a merit system for all deputy sheriffs and correctional officers of the Adams County Sheriff's Department, the Merit Commission pursuant to ch. 55ILCS 5/3/8009 adopts the following rules, regulations and procedures.

ARTICLE 1
ADMINISTRATION

- A. **ORGANIZATION OF THE COMMISSION:** The officers of the Merit Commission shall be: chairman, vice-chairman, and secretary. All officers shall be elected by a simple majority vote of the Merit Commission. The term of the office of said officers shall be two years or until the term of officer as a member of the commission shall expire, whichever period is shorter. The chairman shall preside at all meetings and shall perform all duties required of him by these rules, regulations and procedures. The vice-chairman shall preside at meetings in the absence or disability of the chairman. The secretary shall keep the minutes and records of the commission.
- B. **OFFICE AND STAFF:** The commission shall maintain an office in Quincy, Illinois, where its staff, assistants and clerks shall function and where its files and records shall be maintained.
- C. **MEETINGS:** Regular meetings of the commission shall be held quarterly at its office. Other meetings may be called as necessary by the chairman or upon the call of two [2] members of the commission. The chairman must notify each of the commission members specifying the time and place of such meetings at least three [3] days prior to the meeting. Commission meetings shall be conducted under **ROBERT'S RULES OF ORDER**.
- D. **QUORUM:** At meetings, three [3] members of the commission shall normally constitute a quorum and shall conduct the business of the commission.
- E. **VOTING:** On all matters brought before the commission, the concurrence of at least three [3] members of the commission shall be necessary for a decision and the action of such a majority shall be the act of the commission.

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F. MINUTES AND RECORDS: The commission shall:

1. Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential, except that any members of the Sheriff's Department shall be permitted on request to examine his/her graded written examinations and efficiency reports and except that where impractical, an unsuccessful applicant shall be informed of the reason for his/her rejection upon written request for such information. All of the foregoing subject to ch. 820ILCS 40/0.01, Personnel Records Review Act.
2. Keep and maintain the minutes of all meetings and report the decisions rendered to appropriate parties.
3. Carefully compile and maintain a transcript of all disciplinary proceedings.
4. 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 Adams County Board for reports of activity.

G. CHANGES IN RULES, REGULATIONS AND PROCEDURES: Changes in rules, regulations and procedures may only be approved by the favorable vote of three [3] commission members.

H. INSPECTIONS: At the request of the Sheriff or at its own discretion, the commission may inspect and investigate those phases of the Sheriff's Office's Personnel Management Program, which are within its purview. The commission may report on its findings to the Adams County Board.

ARTICLE II
RANKS

- A. RANKS: For the purposes of the administration and operation of the merit system of the Adams County Sheriff's Department, the ranks in the Sheriff's Office in descending order of command are as follows: Sheriff, Chief Deputy, Captain and Sergeant.
- B. POSITIONS AND ASSIGNMENTS: The rank of Chief Deputy is considered a position, rather than an assignment and persons meeting the requirements of the qualification and appointment procedures stated elsewhere in these rules, regulations and procedures can attain tenure in this position. The Sheriff, if elected from the ranks of tenured personnel, is considered to be on assignment. When an individual is removed from this assignment, he reverts back to his tenured position and rank.

CERTIFICATION AND PROMOTIONS

- A. COMMISSION RESPONSIBILITIES: The commission shall make certifications for promotion on the basis of seniority, written and oral examination. Examinations for promotion will be given at the request of the Sheriff.
- B. ELIGIBILITY: Candidates will be eligible to take the promotional examination only after the rank immediately above the candidate's permanent rank. In addition:
 - 1. They shall have served in the department for at least one year from the date of their employment including the probationary period.
 - 2. They shall be considered for promotion only after serving the required minimum of one year in their permanent rank.
 - 3. Deputies on leave of absence at the time the promotional screening process is initiated are not eligible. The process is initiated when the deadline for responding to the examination announcement has passed.
 - 4. Persons who have served with another sheriff's office, a police department, or any other law enforcement agency, may receive an initial appointment to a rank above the lowest.
- C. PROCEDURES
 - 1. The Commission will provide each eligible officer with official notification announcing the examination and requesting a response, respecting the officer's intention to participate.
 - 2. Candidates for promotion must complete examinations for promotion at the time designated by the Commission. No exceptions will be allowed.
 - 3. Such candidates must have taken the most recent examination offered by the Commission to be eligible for certification for promotion. All candidates taking

the examination for each rank will be advised of their total promotional score and standing.

FACTORS	SGT.	CAPT.
Written Examination	50	50
Oral Examination	45	45
Seniority in Rank	05	05

4. The Commission will certify to the Sheriff the top three of those deputies and/or sergeants participating in the total promotional process.
 5. The top three candidates on the certification lists for the ranks of Sergeant or Captain are equally eligible for promotion by the Sheriff; however, in the event of a tie, all candidates obtaining such score shall be equally eligible for promotional consideration. The Sheriff may promote accordingly any one of the eligible candidates in accordance with recognized guidelines for promotion at any time the lists are in effect.
 - a. As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.
 - b. Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tie, all candidates obtaining such score shall be equally eligible for promotional consideration.
 6. Upon written notification from the department to the Commission that a candidate on the certification list has been suspended or is on leave of absence, the Commission will remove the candidate's name from the certification list.
 7. The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Sheriff may file a written request with the Commission asking for the certification of additional names on any one list.
- D. **PROMOTIONAL PROBATIONARY PERIOD:** All promotions shall be for a probationary period of one year during which time the Sheriff may return the deputy to the deputy's prior rank. The Sheriff shall give all rejections of eligible candidates to the Merit Commission in writing.

*ARTICLE III
APPOINTMENT TO DEPARTMENT*

- A. APPOINTMENT TO THE DEPARTMENT: Deputy Sheriff or Correctional Officer to the Sheriff's Department, in addition to meeting the standards prescribed by the Illinois Compiled Statutes, concerning Deputy Sheriffs or Correctional Officers must:
1. Be a citizen of the United States and be a physical resident of the County of Adams thirty [30] days within date of hire.
 2. Be no younger than 21 years of age.
 3. Be a high school graduate or have a certification of equivalency.
 4. Possess a valid driver's license.
 5. Must pass a physical examination by a doctor acceptable to the Adams County Medical Association if required.
 6. Meet such other mental, medical and physical standards as may be prescribed by the Merit Commission (see 820ILCS 235/0.01). Physical agility tests may or may not be required for Correction Officers.
 7. Be acceptable to the commission following a review of background, reputation, and character.
 8. Be acceptable to the commission after oral interview.
 9. Be adjudged as qualified by the commission and placed on a list of qualified applicants.
 10. Be appointed from the qualified list by the Sheriff when a vacancy or vacancies exist.
 11. Serve successfully a one-year probationary period, during which time he/she is subject to removal by the Sheriff. The commission shall be notified by the Sheriff in writing of the appointee's removal.
 12. **Any applicant having served a minimum of two years of active military service, having received an honorable discharge, as evidenced by a DD214, shall receive an additional (5) five points to his/her written test score.**
- B. CERTIFICATE OF TENURE: After successfully completing the entire process, the commission shall certify the Deputy Sheriff or Correctional Officer as possessing tenure.
- C. APPOINTMENT PROCEDURE: The responsibilities of the Merit commission include:
1. Preparing a list of all qualified candidates at the completing of each entry screening process. These lists will be maintained for one [1] year or until the list is exhausted, whichever is shorter. Tests will be held each year or as often as necessary.
 2. Notifying all qualified candidates of their acceptability and that they are being placed on the qualified list.
 3. Within fifteen [15] days, any qualified candidate who declines to accept an

appointment will be replaced for said appointment by another qualified candidate. A refusal to accept an appointment constitutes grounds for removal from the qualified list.

4. Each candidate must attend and successfully complete the Police Training Institute course and State certification test if required.
5. The Merit Commission may exempt from one or more of the minimum requirements for appointment to the certified eligibility list, an applicant who is currently serving as a certified full time officer at another sheriff's office, police department, or any other law enforcement agency.

ARTICLE IV
DISCIPLINE

I. DISCIPLINARY MEASURES

A. The Sheriff, without filing charges with the commission, may take the following disciplinary measures for infractions of these rules, regulations and procedures:

1. Reprimand a subordinate orally.
2. Reprimand a subordinate in writing and place a copy in his Merit Commission file.
3. Suspend a subordinate for any reasonable period of time not to exceed a total of thirty [30] days within a twelve-month period.

B. The Sheriff may suspend any subordinate for a period in addition to the above limited thirty [30] days, only after charges against that member have been filed with the commission and pending the decision of the commission of those charges. All disciplinary measures by the Sheriff will become a part of the officers Merit Commission file. No other disciplinary measures shall be taken by the Sheriff except by the order of the commission [55ILCS 5/3-8013].

C. 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 of not more than a total of one hundred and eighty days [180], demotion, or loss of seniority.
2. Discharge and removal from the Sheriff's Department.

D. 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 monies earned at other employment while under suspension and salary shall provide the basis for such reimbursement [55ILCS 5/3-8014].

II. DISCIPLINARY PROCEDURES

A. **COMPLAINTS:** In all cases where the Sheriff desires to discipline a subordinate beyond the measures previously prescribed in I. Disciplinary Measures, 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 these rules, regulations and procedures 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 of hearing on the charges contained in the complaint. The letter shall be sent by registered or certified mail, return receipt requested, at the residence 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.

C. **HEARING 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 the court reporter to be employed by the commission.
4. The record of all hearings before the commission will be transcribed by the court reporter and placed in the subject's Merit Commission file.
5. All witnesses shall be sworn by the Chairman or another member of the commission prior to testifying.
6. 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 OF CHARGES:** After the commission shall have made its finding and determined its order, it shall mail to the accused member, registered or by certified mail, return receipt requested, a notice of finding and order of the commission. A copy of the notice shall be mailed to the Sheriff.

E. **SUBPOENA:** The Sheriff and the accused subordinate, or their respective counsel, may, at any time before the hearing, apply to the commission for a subpoena directed to a specific person requiring their appearance at the hearing and, if necessary, requiring them to produce at the hearing books, papers, records and such other items 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:** All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

*ARTICLE V
RULES AND REGULATIONS*

***FOR THE CONDUCT OF MEMBERS OF THE ADAMS COUNTY
SHERIFF'S DEPARTMENT***

- I. Any member of the Sheriff's Department who shall be guilty of any of the following shall be subject to disciplinary action by the Sheriff and the Merit Commission.

- II. No member of the Sheriff's Department who is under jurisdiction of the Merit Commission shall:
 - A. Violate any law or statute of the United States or the State of Illinois.
 - B. Violate any County or Municipal Ordinance.
 - C. Violate any of the general orders, special orders or rules and regulations of the Sheriff's Department which are not inconsistent with these rules, regulations and procedures.
 - D. Fail to obey a lawful order.
 - E. Be insubordinate to or show disrespect for a superior officer.
 - F. Mistreat a subordinate.
 - G. Neglect to perform his duties efficiently and effectively.
 - H. Engage in any conduct unbecoming to a member of the department or which tends to reflect discredit upon the department.
 - I. Leave his post without permission or without being properly relieved, or be absent from duty without leave or appropriate permission.
 - J. Willfully destroy or damage any department property or use such property without authority.
 - K. Receive, solicit or attempt to solicit money or anything of value for performing or failing to perform any assigned duty.
 - L. Solicit business, client or customers for any business establishment or any business or professional person.
 - M. Disseminate or release any information concerning essential police matters.

*ARTICLE VI
OTHER PERSONNEL TRANSACTIONS*

- I. LEAVE OF ABSENCE: Leaves of absence without pay may be granted to any member of the Sheriff's Department covered by the merit system irrespective of rank. The leave shall be from the position and rank that he holds at the time the leave is granted. Such leave may be granted whether the officer has or has not completed his probationary period. All leaves of absence, except for requested military and government service, shall be for one [1] year or less, with the privilege of requesting a new leave at the expiration of the first. The Sheriff, with the approval of the commission, shall grant leaves of absence. 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. The Sheriff and the commission are the sole judge 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 a request.

- II. RESIGNATIONS: Any member covered by the Merit System who resigns from the Sheriff's Department for any reason may not be reinstated.

- III. REINSTATEMENT: Should a former member desire to again affiliate himself under the Merit System with the Sheriff's Department, he must once again meet the 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.

Adams County Sheriff's Department

Merit Commission

Adams County

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