



## **RULES AND REGULATIONS OF THE MACON COUNTY MERIT COMMISSION**

### **ARTICLE 1**

**Section 1.** The Macon County Merit Commission (hereafter referred to as the "Commission") is created pursuant to the provisions of the "Sheriff's Merit System Law" (55 IL-CS 5/3-8001 et and shall conduct its business in accordance with that Act

**Section 2.** In the event of conflicts between any provision of these Rules and Regulations and the provisions of the "Illinois Public Labor Relations Act" (5 IL-CS 315/1 or any collective bargaining agreements negotiated pursuant to the provisions of that Act, then the provisions of the Illinois Public Labor Relations Act or the collective bargaining agreement shall control.

**Section 3.** The Commission has been established pursuant to an ordinance adopted by the County of Macon entitled "An Ordinance Creating and Establishing a Sheriff's Office Merit Commission In The County of Macon, Illinois" on March 8, 1966, and effective on December 13, 1966.

### **ARTICLE 2**

#### **Definitions**

##### **Section 1.**

- Applicant. Person who has filed an application for employment as a deputy sheriff in the Macon County Sheriff's Office.
- Appointment. Acceptance of an applicant for employment on a full-time basis by the Sheriff.
- Candidate. The status of a person qualified by reason of having successfully completed appropriate examination and screening.
- Certified. Candidates whose names have been placed on the eligibility list by the Commission.
- Certified Employee. Any full-time deputy sheriff who has completed all phases of examination and screening by the Commission and has been appointed by the Sheriff.
- Commission. Refers to the Macon County Merit Commission.
- Demotion. A lowering or reduction in rank.
- Sheriff's Office. Macon County Sheriff's Office.

- Dismissal. Complete discharge and separation of a certified employee from the Macon County Sheriff's Office.
- Member. A certified employee of any rank.
- Tenure. Employment or rank attained according to these Rules, and which can only be terminated or reduced according to these Rules.
- Probation and Probationary. The status of a certified employee during a trial period following an original or promotional appointment.
- Promotion. The advancement to a position of higher rank,
- Reprimand. A disciplinary measure involving a written or oral warning.
- Sheriff. Person serving as duly elected Sheriff of Macon County, Illinois, or successor as provided for by law.
- Suspension. A disciplinary measure involving a temporary separation of a certified employee from the Macon County Sheriff's Office.

### **ARTICLE 3**

#### **Administration**

##### **Section 1. Sheriff's Officers of the Commission.**

- The Sheriff's Officers of the Commission shall be:
  - Chairman
    - The Chairman shall preside at all meetings and proceedings and shall perform all duties required of him/her by these procedures, rules and regulations.
  - Vice-Chairman
    - The Vice-Chairman shall preside at meetings in the absence or disability of the Chairman.
  - Secretary
    - The Secretary shall keep the minutes and records of the Commission.
- The term of Sheriff's Office of all Sheriff's Officers shall be two (2) years or until his/her term of Sheriff's Office as a member of the Commission shall expire, whichever is shorter.
- The Commission may hire or utilize an administrative secretary.

**Section 2. Sheriff's Office.** The Commission shall maintain an office in Decatur, Illinois, where its files and records shall be kept.

**Section 3. Confidential Matters.** The files of the Commission relating to all personnel matters of the individuals under the jurisdiction of the Commission shall be confidential, except that any member of the Sheriff's Office shall be permitted, upon written request and after reasonable notice, to examine his/her file, in the Sheriff's Office of the Commission.

**Section 4. Regular Meetings.** A regular meeting of the Commission shall be held quarterly at the call of the Chairman. The Commission may postpone a regular meeting to such other time as the Chairman may fix. Public notice of all regular meeting shall be given pursuant to the applicable

requirements of the "Open Meetings Act." (5 ILCS 120/1.01 ex seg.) All actions of the Commission shall be pursuant to that Act.

**Section 5. Special Meetings.** Notices of special meetings shall be given by the Chairman to each of the Commission members specifying the time and place of such special meetings at least five (5) working days before the date thereof. Such notice may be waived in accordance with law by the unanimous consent of the Commission. Public notice of special meetings shall be given pursuant to the applicable requirements of the "Open Meetings Act."

**Section 6. Voting.** On all matters, the concurrence of a majority of the Commission members in attendance shall be necessary to render a decision, and the action of such a majority shall be the action of the Commission.

**Section 7. Quorum.** At all meetings three (3) members of the Commission shall constitute a quorum and shall conduct any and all business of the Commission.

**Section 8. Commissioners.** The five (5) members of the Commission shall be referred to as Commissioners and shall be nominated by the Sheriff, and elected to the Commission, upon a majority approval of the County Board of Macon County, Illinois, hereinafter referred to as the Board. The term of Sheriff's Office of a Commissioner shall be for six (6) years.

**Section 9.** Commissioners shall serve without compensation, but may be reimbursed for actual expenses incurred in the conduct of the Commission's business. The Sheriff shall furnish to members of the Commission such identification as may be appropriate to recognize such persons as Commissioners.

**Section 10. Change in Procedures, Rules and Regulations.** Any member of the Commission may at any regular or special meeting present a motion to amend, adopt or rescind any rules and regulations. Notices of any proposed change shall be submitted to the Sheriff and to all certified employees by delivering a copy of any proposed changes to the Sheriff and by posting a notice of any proposed changes in the squad room of the Sheriff's Office at least seven (7) days prior to the meeting at which time the proposed changes shall be voted upon.

**Section 11. Minutes and Records.** The Commission shall keep and maintain minutes of meetings in which will be recorded the actions of the Commission and the decisions rendered at each meeting. Such minutes shall be maintained in accordance with the applicable sections of the "Open Meetings Act." The Secretary will give minutes to each Commission member.

**Section 12. Jurisdiction.** All certified employees of the Macon County Sheriff's Office shall be considered under the jurisdiction of the Commission. The Sheriff shall be exempt from the jurisdiction of the Commission.

**Section 13. Reports of the Sheriff to the Commission.** The Sheriff shall promptly notify the Commission of all appointments, permanent and temporary, all promotions, suspensions, resignations or vacancies from any cause when requested by the Commission or any member.

The Sheriff shall furnish the Commission a report on discipline issued by the Commission as the Commission may reasonably request.

**Section 14. Inspections.** At the request of the Sheriff, or at the discretion of the Commission, the Commission may periodically inspect and investigate the morale and efficiency of members of the Sheriff's Office, and shall report any findings to the Sheriff in writing. The Commission may make such recommendations to the Sheriff based upon its inspection an investigation as it deems appropriate.

## **ARTICLE 4**

### **Equal Opportunity Employer**

The Commission represents that it conforms to the following:

- Employment practices shall be carried out in accordance with federal, state and local laws and ordinances. Equal Employment Opportunity has been, and will continue to be, a fundamental principle of Macon County, and the Merit Commission, where employment is based upon personal capabilities and qualifications without discrimination because of race, color, religion, sex, age, material status, military status, status upon discharge from military service, national origin, disability, sexual orientation, genetic information or any other illegal basis provided the individual possesses the skills, knowledge, and abilities required to perform the job with or without reasonable accommodations.
- This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment. All commissioners are expected to conduct themselves without prejudice or discrimination towards other employees or citizens of the community seeking services and any and all other persons with whom they come in contact.
- None of the foregoing shall be construed to prevent the Commission from utilizing bona fide duty-related criteria in hiring and promotion. The Commission recognizes that police Sheriff's Officers may be required to possess special or unique qualifications to enable them to discharge their duties properly to the Sheriff's Office and the public.

## **ARTICLE 5**

### **Appointment to the Sheriff's Office**

**Section 1. Eligibility Requirements.** Certified employee candidates must meet the following requirements. However, one or more of the requirements may be waived at the discretion of the Commission according to law. The Sheriff shall appoint as certified employees only those persons who have been certified to him, in writing, by this Commission as being eligible for appointment. The requirements are as follows:

- Be no younger than twenty-one (21) years of age at the time his/her application is received by the Commission.
- Have vision corrected to 20/20.
- Not have any physical or mental disability which would render him/her incapable of performing the duties of the position.
- Have completed one of the following:
  - High School Diploma
  - GED
- Have passed such examinations as the Commission may prescribe from time to time.
- Be acceptable to the Commission on oral interview.
- Be acceptable to the Commission on investigation as to reputation and character.
- Have a valid Illinois driver's license at the time of examination not subject to suspension or revocation.
- Successfully complete physical agility tests as the Commission may prescribe.
- Successfully complete such medical and psychological tests as the Commission may prescribe.
- Be a citizen or legal resident of the United States.
- Be fingerprinted under supervision of the Macon County Sheriff's Office.
- No applicant shall have been previously convicted of a felony offense or crime of moral turpitude under the laws of Illinois or any other state.
- Reside within a 40 miles radius of the Sheriff's Office Headquarters , within one (1) year after appointment as a certified employee, and remain a resident within 40 miles during the time of his/her appointment.

**Section 2. Lateral Transfer-Law Enforcement.** Any member of a police agency' within the State of Illinois may be certified by the Commission for appointment to the Macon County Sheriff's Office if the following criteria are met:

- A. The applicant shall have had service with another police agency for no less than 2 years under the Police and Fire Board Act, Sheriff's Merit System, Civil Service Commission, or like organization.
- B. The applicant shall have successfully completed the State of Illinois Basic Law Enforcement, Full Time Academy in police training at a state-approved academy.
- C. The applicant shall consent to a background investigation being made with his former employer conducted by the Commission or its designated representative.
- D. The applicant shall not be under any supervision or other discipline by another police agency.

If the applicant meets all of the above requirements, the Commission shall require the following before certifying the applicant for appointment:

- The applicant's background investigation shall have found him/her acceptable for employment and his/her work record free of evidence of professional misconduct.
- The applicant be acceptable to the Commission on oral interview.

**Section 3. Certification.** The Commission may certify for appointment to the Sheriff's Office more persons than there are vacancies to be filled at the time of such certification. In such cases, the Sheriff may initially select from this group persons to fill the existing vacancies and shall, from date of certification, as additional vacancies occur, appoint others from the remaining group. The certification list shall remain in force until the next written examination is authorized and given by the Commission, or (12) months have elapsed from the certification date, whichever happens first, or the Commission terminates the list.

**Section 4. Rejection.** If the Sheriff rejects any person certified to him by the Commission, the Sheriff shall promptly notify the Commission in writing of such rejection.

**Section 5. Probation.** All persons appointed as certified employees shall serve an initial 12month probation period. The Sheriff may discharge any appointee during his/her probation period or, in the alternative, may extend his/her probationary period not to exceed three (3) months.

**Section 6. Political Affiliation.** All appointments shall be made in accordance with the rules and regulations of the Commission as well as applicable law without consideration of the political affiliation of any applicant.

**Section 7. Renewal of Certification List.** The Commission, at the request of the Sheriff, may renew its certification list for a period no longer than twelve (12) months. No certification list may be renewed more than two times,

**Section 8. Completion of Probation.** Upon successful completion of the period of probation, the Sheriff shall report to the Commission that the member has established non-probationary status with the Sheriff's Office.

**Section 9. Discharge or Discipline of Probationary Employees.** The Sheriff may discipline or discharge probationary employees upon good cause shown. The Sheriff shall report such discipline or discharge to the Commission in writing.

**Section 10. Withdrawal of Applicant.** The Sheriff shall withdraw from the eligibility list the name of any applicant who declines to accept an appointment to the Sheriff's Office within five (5) working days after he/she is offered such appointment and shall notify the Commission of such action.

## **ARTICLE 6**

### **Ranks**

**Section 1. Classification of Ranks.** The ranks, allowed by the Commission for the purpose of administration and operation of the Sheriff's Office, shall be as follows:

- Chief Deputy
- Captain

- Lieutenant
- Sergeant
- Deputy Sheriff/Detective
- Deputy Sheriff

**Section 2. Positions and Assignments.**

The ranks of Captain, Lieutenant, Sergeant, and Deputy Sheriff are considered positions rather than assignments and persons meeting the necessary requirements can attain tenure in these ranks.

The designation of Chief Deputy and Deputy Sheriff/Detective are considered assignments or appointments rather than a tenured position and may be filled by any member of the Sheriff's Office at the discretion of the Sheriff, for whatever period of time he/she deems appropriate. When a member is removed from this assignment, he/she reverts back to his /her previously attained rank at the appropriate grade or pay scale with regard to the member's seniority with the Sheriff's Office.

**ARTICLE 7**

**Promotion in the Sheriff's Office**

**Section 1. Promotion.** To be eligible for promotion to Sergeant, Lieutenant, Captain a candidate must:

1. Have served successfully as a full-time member at the rank described below the one for which he/she is a candidate, according to the following:
  - a. Five (5) years of sworn law enforcement experience for Deputy Sheriff to Sergeant.
  - b. One (1) year for Sergeant to Lieutenant.
  - c. One (1) year for Lieutenant to Captain.
2. Appointment or assignment to Deputy Sheriff/Detective and Chief Deputy are decisions solely made by the Sheriff.
3. At the time of notification of holding of examination for promotion, the candidate must not be in any of the following categories:
  - a. Under suspension.
  - b. On leave of absence, except for military service, for fifteen (15) or more days.

**Section 2. Application Process.**

1. All eligible candidates for promotion shall be notified by the Commission of the scheduled promotional examination. All interested candidates must request, in writing, an application to take the promotional examination within the time limits set by the Commission. All candidates shall complete an application form prescribed by the

Commission, if required, and return the application to the Commission within the time set by the Commission.

2. The Commission shall give a written examination to all eligible candidates who complete the application process and who appear on the examination date. The written examination may be obtained from a professional testing company and shall meet the standards of validation established under federal and Illinois state law. The Commission shall make available to each applicant such reference material that is provided by the testing company, or the reference material which is recommended by the testing company for the specific test to be given. The Commission may waive the requirement of a written test for the positions of Lieutenant and Captain. The Commission shall notify all applicants of the minimum score necessary for successful completion of the written exam. A candidate must achieve at least the minimum score established by the Commission on the written examination to be eligible for promotion and to be eligible to proceed with the oral examination provided for in this Article. No member who has failed to successfully complete the written examination shall be eligible for promotion. The Commission shall notify all applicants of the examination date, which shall be no sooner than thirty (30) days after the reference materials, if applicable, are made available to the applicants.
3. All candidates who successfully complete the written examination shall be interviewed by the Commission. Oral interviews shall be conducted by the Commission at a time and place established by the Commission. Upon successful completion of both the written examinations and oral interview, the Commission shall establish a promotional eligibility list, without order of preference.

**Section 3. Eligibility List.** A list of eligible candidates shall be prepared, by the Commission, and prominently posted at the completion of each promotional examination and interview procedure. The list shall remain in force for one (1) year or until exhausted by the whole or partial acceptance or rejection, by the Sheriff, of those listed, whichever is shorter.

**Section 4. Certification.** The Commission may certify more candidates for promotion than there are vacancies to be filled at the time of such certification. In such cases, the Sheriff may initially select from this group the persons to fill the existing vacancies and shall, as additional vacancies occur, select others from the remaining group.

**Section 5. Ineligibility for Promotion.** Upon notification to the Commission by the Sheriff that he has taken disciplinary action against a person on the certification list by suspension for a period of over five (5) working days, or a person has been granted a leave of absence in excess of over thirty (30) working days, the Commission will deem that person ineligible for promotion during the period of suspension or leave of absence.

**Section 6. Probationary Period and Tenure.**

1. Upon promotion by the Sheriff, the candidate shall serve a probationary period of twelve (12) months, during which time he/she is subject to be returned to his/her tenured rank by the Sheriff after written notification of cause is filed with the Commission. The written



notification of cause for return to former rank shall be given to the Commission and the candidate by the Sheriff, within ten (10) days after such return. After successfully completing the above promotional procedure, he/she shall be certified as tenured at the appropriate position and rank by the Commission.

2. After successfully completing the probationary period, the Sheriff shall certify, to the Commission, the member as having established his/her tenured rank.

#### **Section 7. Voluntary Reduction in Rank.**

1. In the event that a member desires to be released from a from a tenured rank above that of Deputy Sheriff, he/she may make such a request in writing and forward it to the Sheriff.
2. If in the opinion of the Sheriff, the voluntary reduction in rank is in the best interests of the Sheriff's Office, the Sheriff may approve the request and forward it to the Commission for consideration.
3. Approval of a voluntary reduction in rank by the Commission shall require a majority of those Commissioners present and voting.
4. Upon the approval and direction of the Commission, the Sheriff shall cause the member to be reinstated at the designated rank, grade and pay scale and shall adjust all records and files accordingly.
5. Upon the creation of a vacancy in the rank formerly held by the member, the Sheriff may fill the position as provided for in these Rules and Regulations.

**Section 8. Temporary Promotion.** The Sheriff may make a temporary promotion to any rank for up to 120 days without action by the Merit Commission.

**Section 9. Waiver of Promotion and Eligibility.** Inasmuch as a minimum of 5 years' tenure would be required to be appointed to the position of Captain, 4 years for the appointment to the rank of Lieutenant, and 3 years for the appointment to the rank of Sergeant, and in cases where no member of the Sheriff's Office can meet the qualifications to be eligible for the rank listed, the Commission may select the most qualified eligible candidates for appointment to said positions without regard to length of service. The Commission, in this instance, may consider time in service and experience as a certified law enforcement Sheriff's Officer of the State of Illinois. This section shall apply only so long as it is impossible for any member to meet the requirements for promotion set forth above.

**Section 10. Political Affiliation.** All promotions shall be made in accordance with the provisions of the Rules and Regulations of the Commission and applicable law, without consideration of the political affiliation of any applicant.

### **ARTICLE 8**

#### **Leaves of Absence**

**Section 1. Provisions for Granting.** Leaves of absence, without pay, may be granted by the

Sheriff to any member, upon written request. Any and all leaves of absence, granted by the Sheriff, must be approved by the Commission prior to the beginning of said leave. The leave shall be from the position and rank that he/she holds at the time the leave is granted.

**Section 2. Reasons for Granting Leaves of Absence.** Leaves of absence without pay may be granted for the following reasons:

1. Illness of a certified employee or a member of his/her immediate family.
2. Extended military or naval service of the United States during a period of national emergency.
3. Training in an institution of higher learning if job-related.
4. To seek any political Sheriff's Office.
5. As may be permitted or required by law.
6. For other causes acceptable to the Sheriff and Commission.

**Section 3. Length of Leave.** All leaves of absence, except for military service, shall be for six (6) months or less. An extension of leave, on or before the expiration of the first leave, may be considered by the Sheriff and the Commission.

**Section 4. Penalties.** Any member on leave of absence who accepts another position of employment, other than that for which leave is granted, without written approval of the Sheriff and the Commission, shall be deemed to have resigned from the Sheriff's Office. Any member who fails to return to his/her position following the granted leave or to request and be granted a new leave, on or before the expiration date of his/her first leave, shall be deemed to have resigned.

**Section 5. Approval.** The Sheriff shall judge the appropriateness, reason and purpose for which a leave is requested, and upon approval, shall establish the conditions of any such leave.

**Section 6. Absent Without Leave.** Any member who fails to report for assigned duty for three (3) consecutive days without properly notifying the Sheriff is considered absent without leave and shall be deemed to have resigned from the Sheriff's Office absent extraordinary circumstances and good cause shown.

**Section 7. Documentation.** Any member that has been on leave of absence for more than three (3) months shall be required to produce a written documentation of activities during the leave, or perform other necessary procedures as described and allowed in these Rules and Regulations, as deemed necessary by the Commission in order to determine the member's eligibility to again perform the duties and function properly as member of the Sheriff's Office prior to reinstatement. The Sheriff, at his discretion, may request that the Commission review those members that have been on leave for less than three (3) months prior to reinstatement with the Sheriff's Office.

**Section 8. Early Termination of Leaves of Absence.** A leave of absence without pay may be terminated before the normal expiration of the time originally specified if it is not in the best interests of the Sheriff's Office, or upon the written request of the certified employee on leave.

## **ARTICLE 9**

### **Resignations, Reinstatements, and Retirement**

**Section 1. Resignation.** Any member who resigns, or is deemed to have resigned, from the Sheriff's Office for any reason will not be reinstated.

**Section 2. Rehiring.** Should a former member desire to again affiliate him/herself with the Macon County Sheriff's Office, he/she must once again meet the basic requirements for appointment to the Sheriff's Office and successfully complete the application for employment process in competition with all other applicants. No former member shall be eligible for re-affiliation with the Sheriff's Office if that person resigned with less than one year's service and has not reimbursed the Sheriff's Office for any costs or expenses incurred by the Sheriff's Office in the hiring, training, or qualification of that person.

**Section 3. Election to Sheriff.** Any tenured member running for Sheriff, if elected or appointed, will retain his/her tenured position on completion of his/her elective Sheriff's Office.

**Section 4. Retirement.** Notwithstanding any other provisions of these Rules and Regulations, all members reaching the age of 65 years shall be retired from service at the end of the month following their 65th birthday.

## **ARTICLE 10**

### **Rules and Regulations - For the Conduct of Members of the Sheriff's Office**

**Section 1. Disciplinary Action.** Any member who shall be guilty of any of the following shall be subject to disciplinary action by the Sheriff and the Merit Commission.

**Section 2. Rules and Regulations of Conduct.** No member of the Sheriff's Office shall:

- Violate any State Law or Statute, or any Law or Statute of the United States of America.
- Violate any Ordinance of a County or Municipal Government or Rule of State or Federal Court ruling pertaining to the position or duties of the member.
- Violate any orders, special orders or rules, regulations, or procedures of the Sheriff's Office which are not inconsistent with these Rules and Regulations of the Commission.
- Fail to obey a lawful order.
- Willfully mistreat any person.
- Be insubordinate to or show disrespect for a superior Sheriff's Officer.
- Negligently or carelessly use any weapon.
- Knowingly make a false official report.
- Neglect to perform duties or perform duties with gross inefficiency or incapacity.
- Engage in any conduct unbecoming a member of the Sheriff's Office which tends to reflect discredit on the Sheriff's Office.
- Leave a post of duty without permission or without being properly relieved.

- Willfully destroy or damage any Sheriff's Office property, or use such property without proper authority.
- Receive, solicit or attempt to receive or solicit money or anything of value for performing or failure to perform an assigned duty.
- Solicit business, clients or customers for any business establishment or any business or professional person.
- Drink any kind of intoxicating liquor while on duty or while in uniform, except when such action is required and properly authorized in the performance of the assigned duty; nor use any unlawful drug or substance.
- Disseminate or release any information concerning essential police matters, except where properly authorized to do so.

### **Section 3. Political Activity.**

- No On-Duty Political Activity. Members shall not engage in the activities or interests of any political or candidate for public Sheriff's Office or nomination thereof while on duty and at no time shall they use the Macon County Sheriff's Office's name and/or their position with the Sheriff's Office for political gain or endorsement. Nothing herein shall be deemed to interfere with the right of:
  - Any member to vote for any candidate and upon any issue as his/her reason and conscience may dictate, or

**Section 4. Prohibited Activity.** No member shall engage in public political activity, or engage in any public demonstration or protest, if such would be inimical to the orderly administration of the Sheriff's Office, and the discharge by the Sheriff's Office to its duties to the public.

**Section 5. Violation.** Any member who violates any prohibition set forth in this Article may be subject to discipline or discharge as provided for in these Rules and Regulations.

## **ARTICLE 11**

### **Discipline**

**Section 1. Rights of Members.** Whenever a member of the Macon County Sheriff's Office is under investigation or subjected to interrogation by the Sheriff's Office, for any reason which could lead to disciplinary action, demotion or dismissal, the Sheriff will determine if a formal investigation is warranted. The Investigation and Discipline shall be conducted accordance with 50 ILCS 725/1 "Uniformed Peace Officer Disciplinary Act, 55 ILCS 5/3-8003 "Sheriff's Merit System Law" and current Collective Bargaining Agreements.

## **ARTICLE 12**

### **Miscellaneous Provisions**

**Section 1. Governing Law.** These Rules and Regulations shall be governed by and interpreted pursuant to the laws of the State of Illinois.

**Section 2. Venue.** Venue for all court proceedings under these Rules or Regulations or involving the Commission shall be in the Circuit Court of Macon County, Illinois.

**Section 3. Use of Pronouns.** Whenever either the masculine or feminine pronouns appear in these Rules and Regulations, it shall be deemed to include both.

**Section 4. Severability.** Should any part of these Rules and Regulations be held invalid by a Court of competent jurisdiction, that part shall be deemed withdrawn by amendment.

**Section 5. Effective Date.** These Rules and Regulations shall become effective immediately upon their adoption and approval by the Macon County Board and all amendments are effective upon their adoption by the Commission in the manner set forth in Article III, Section 10.