



RULES AND REGULATIONS OF THE MACON COUNTY MERIT COMMISSION

ARTICLE I

Governing Law

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 ILCS 5/3-8001 et seq.) 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 ILCS 315/1 et seq.) 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 Department Merit Commission In The County of Macon, Illinois" on March 8, 1966, and effective on December 13, 1966.

ARTICLE II

Definitions

Section 1.

1. Applicant. Person who has filed an application for employment as a deputy sheriff in the Macon County Sheriff's Department.
2. Appointment. Acceptance of an applicant for employment on a full-time basis by the Sheriff.
3. Candidate. The status of a person qualified by reason of having successfully completed appropriate examination and screening.
4. Certified. Candidates whose names have been placed on the eligibility list by the

Commission.

5. 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.
6. Commission. Refers to the Macon County Merit Commission.
7. Demotion. A lowering or reduction in rank.
8. Department. Macon County Sheriff's Department.
9. Dismissal. Complete discharge and separation of a certified employee from the Macon County Sheriff's Department.
10. Member. A certified employee of any rank.
11. Tenure. Employment or rank attained according to these Rules, and which can only be terminated or reduced according to these Rules.
12. Probation and Probationary. The status of a certified employee during a trial period following an original or promotional appointment.
13. Promotion. The advancement to a position of higher rank.
14. Reprimand. A disciplinary measure involving a written or oral warning.
15. Sheriff. Person serving as duly elected Sheriff of Macon County, Illinois, or successor as provided for by law.
16. Suspension. A disciplinary measure involving a temporary separation of a certified employee from the Macon County Sheriff's Office.

ARTICLE III

Administration

Section 1. Officers of the Commission.

The Officers of the Commission shall be:

Chairman
Vice-Chairman
Secretary

The Chairman shall preside at all meetings and proceedings and shall perform all duties required of him/her by these procedures, rules and regulations.

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.

The term of office of all officers shall be two (2) years or until his/her term of office as a member of the Commission shall expire, whichever is shorter.

The Commission may hire or utilize an administrative secretary.

Section 2. 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 Department shall be permitted, upon written request and after reasonable notice, to examine his/her file, in the 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 et seq.) 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 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 ten (10) working days prior to the meeting at which time the proposed changes shall be voted upon. Any proposed changes shall automatically be brought up for vote at the next regular meeting following the date that any such amendment may be proposed. A four-fifths (4/5) approval of the Commission shall be required to amend, adopt, or rescind any rule or regulation of the Commission.

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 Department 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 Department, 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 IV

Equal Opportunity Employer

The Commission represents that it conforms to the following:

It will not discriminate against any employee or applicant for employment because of race, creed, color, political affiliation or beliefs, veteran's status, sex or national origin. This shall include, but not be limited to, the following: employment, assignments, promotion or transfer, or other forms of compensation, and selection for training.

It will, in all solicitations or advertisements for employees placed by or on behalf of the applicant or the employing agencies, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, national origin, sex, veteran's status, political affiliation or beliefs.

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 officers may be required to possess special or unique qualifications to enable them to discharge their duties properly to the Department and the public.

ARTICLE V

Appointment to the Department

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:

1. Be no younger than twenty-one (21) years of age at the time his/her application is received by the Commission.
2. Have vision corrected to 20/20 and weight proportional to height.
3. Be free of color blindness as demonstrated by successfully passing the test known as the H-R-R- Pseudo Isochromatic Plates produced by the Instrument Division of the American Optical Company or substantially similar test.
4. Not have any physical or mental disability which would render him/her incapable of performing the duties of the position.
5. Have completed one of the following:
 - a. 60 hours of college education,
 - b. 30 hours of college education and 2 continuous years of employment as a Macon County Correctional officer, or
 - c. 30 hours of college education and 4 years of military service
6. Have passed such examinations as the Commission may prescribe from time to time.
7. Be acceptable to the Commission on oral interview.
8. Be acceptable to the Commission on investigation as to reputation and character.
9. Have a valid Illinois driver's license at the time of examination not subject to suspension or revocation.
10. Successfully complete physical agility tests as the Commission may prescribe.
11. Successfully complete such medical and psychological tests as the Commission may prescribe.
12. Be a citizen or legal resident of the United States.
13. Be fingerprinted under supervision of the Macon County Sheriff's Department.

14. 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.
15. Reside within a 40 miles radius of the Sheriff's Department 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 Department if the following criteria are met:

1. 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.
2. The applicant shall have successfully completed the State of Illinois basic course in police training at a state-approved academy and shall be ineligible for appointment if the applicant had an overall score of less than 80%.
3. The applicant shall consent to a background investigation being made with his former employer conducted by the Commission or its designated representative.
4. 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:

- a. Proof that the applicant is no younger than 21 years of age at the time of his application.
- b. The applicant is a citizen or legal resident of the United States.
- c. Reside within a 40 miles radius of the Sheriff's Department 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.
- d. The applicant's background investigation shall have found him/her acceptable for employment and his/her work record free of evidence of professional misconduct.
- e. The applicant be acceptable to the Commission on oral interview.
- f. All applicants accepted will enter as deputy sheriff.
- g. Upon employment, the individual provisionally certified by the Commission shall serve an initial 12-month 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.

- h. The Commission at its discretion may waive any of the above requirements in this Section for good cause shown.

Section 3. Illinois Police Corps. A graduate of the Illinois Police Corp program who also has B.S. or B.A. degree from an Illinois college or university may be certified by the Merit Commission for appointment to the Sheriff's Department if the graduate also meets all of the following criteria:

1. Be no younger than twenty-one (21) years of age at the time his/her application is received by the Commission.
2. Have vision corrected to 20/20 and weight proportional to height.
3. Be free of color blindness as demonstrated by successfully passing the test known as the H-R-R- Pseudo Isochromatic Plates produced by the Instrument Division of the American Optical Company or substantially similar test.
4. Not have any physical or mental disability that would render him/her incapable of performing the duties of the position.
5. Be acceptable to the Commission on oral interview.
6. Be acceptable to the Commission on investigation as to reputation and character.
7. Have a valid Illinois driver's license at the time of examination not subject to suspension or revocation.
8. Be a citizen or legal resident of the United States.
9. Be fingerprinted under supervision of the Macon County Sheriff's Department.
10. Not have been previously convicted of a felony offense or crime of moral turpitude under the laws of Illinois or any other state or federal jurisdiction.
11. Reside within a 40 miles radius of the Sheriff's Department 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 4. Certification. The Commission may certify for appointment to the Department 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 twelve (12) months have elapsed from the certification date, whichever happens first, or the Commission terminates the list.

Section 5. 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 6. Probation. All persons appointed as certified employees shall serve an initial 12-month probation period, with the exception of lateral transfer appointees. 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 7. 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 8. Renewal of Certification List. The Commission 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 9. 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 Department.

Section 10. 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 11. Withdrawal of Applicant. The Sheriff shall withdraw from the eligibility list the name of any applicant who declines to accept an appointment to the Department within five (5) working days after he/she is offered such appointment and shall notify the Commission of such action.

ARTICLE VI

Ranks

Section 1. Classification of Ranks. The ranks, allowed by the Commission for the purpose of administration and operation of the Department, shall be as follows:

1. Chief Deputy
2. Captain
3. Lieutenant
4. Sergeant
5. Deputy Sheriff/Detective
6. Deputy Sheriff

Section 2. Positions and Assignments.

1. The ranks of Chief Deputy, Captain, Lieutenant, Sergeant, and Deputy Sheriff are considered positions rather than assignments and persons meeting the necessary requirements can attain tenure in these ranks.
2. The designation of Deputy Sheriff/Detective is considered an assignment rather than a

tenured position and may be filled by any member of the Department 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 Department.

3. The position of Chief Deputy is a rank protected by Merit Commission rules and procedures. It is considered a management position that is salaried, does not have sick pay or personal days that are part of the salary. This position is not entitled to overtime pay. In the absence of the Sheriff or by direction of the Sheriff, the Chief Deputy shall have all of the powers and duties of the Sheriff, including those outlined in these rules and regulations. The Chief Deputy position is superior to all ranks other than Sheriff.

ARTICLE VII

Promotion in the Department

Section 1. Promotion. To be eligible for promotion to Sergeant, Lieutenant, Captain, or Chief Deputy 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. Three years for Deputy Sheriff to Sergeant.
 - b. One (1) year for Sergeant to Lieutenant.
 - c. One (1) year for Lieutenant to Captain.
 - d. One year as Captain or two years as Lieutenant for Chief Deputy plus 10 years of total service on the department.
2. 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.
 - c. Possess above average performance evaluation report for the previous year.

Section 2.

1. Application Process. 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. Written Examination. 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, Captain, and Chief Deputy.

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 sixty (60) days after the reference materials are made available to the applicants.

3. Evaluation Reports. Prior to oral examinations, the Sheriff shall furnish to the Commission performance evaluation reports for applicants successfully completing the written examination.
4. Oral Examination. 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 Commission shall list the eligible candidates alphabetically. 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. Probationary Period. 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. Tenure. 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 Department, 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. 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 Department 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 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 9. 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 VIII

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 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 Department. 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 Department 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 Department 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 Department.

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 Department, or upon the written request of the certified employee on leave.

ARTICLE IX

Resignations, Reinstatements, and Retirement

Section 1. Resignation. Any member who resigns, or is deemed to have resigned, from the Department 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 Department, he/she must once again meet the basic requirements for appointment to the Department and successfully complete the application for employment process in competition with all other applicants. No former member shall be eligible for reaffiliation with the Department if that person resigned with less than one year's service and has not reimbursed the Department for any costs or expenses incurred by the Department 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 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 X

Rules and Regulations

For the Conduct of Members of the Sheriff's Department

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 Department shall:

1. Violate any State Law or Statute, or any Law or Statute of the United States of America.
2. 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.
3. Violate any orders, special orders or rules, regulations, or procedures of the Department which are not inconsistent with these Rules and Regulations of the Commission.
4. Fail to obey a lawful order.
5. Willfully mistreat any person.
6. Be insubordinate to or show disrespect for a superior officer.

7. Negligently or carelessly use any weapon.
8. Knowingly make a false official report.
9. Neglect to perform duties or perform duties with gross inefficiency or incapacity.
10. Engage in any conduct unbecoming a member of the Department which tends to reflect discredit on the Department.
11. Leave a post of duty without permission or without being properly relieved.
12. Willfully destroy or damage any Department property, or use such property without proper authority.
13. Receive, solicit or attempt to receive or solicit money or anything of value for performing or failure to perform an assigned duty.
14. Solicit business, clients or customers for any business establishment or any business or professional person.
15. 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.
16. Disseminate or release any information concerning essential police matters, except where properly authorized to do so.

Section 3. Political Activity.

1. No On-Duty Political Activity. Members shall not engage in the activities or interests of any political party or candidate for public office or nomination thereof while on duty and at no time shall they use the Macon County Sheriff's Department's name and/or their position with the Department for political gain or endorsement. Nothing herein shall be deemed to interfere with the right of:
 2. Any member to vote for any candidate and upon any issue as his/her reason and conscience may dictate, or
 3. Any tenured member to run for the office of Sheriff. If a tenured member elects to run for the office of Sheriff, he/she shall be placed on a leave of absence according to Article VIII, as follows:
 - a. No member shall be required to commence a leave of absence prior to that member filing a written statement of candidacy with the Clerk of Macon County, Illinois, as may be required by law.
 - b. No leave of absence shall be required for a member to run as a candidate for the office of Sheriff in an uncontested party primary for the office. If a party primary for

which a member files a written statement of candidacy is contested, that member shall be placed on a leave of absence not to exceed thirty (30) calendar days prior to the contested party primary.

- c. No leave of absence shall be required for a member to run as a candidate for Sheriff in an uncontested general election for the office. If a general election for the office of Sheriff is contested, that member shall be placed on a leave of absence not to exceed forty-five (45) calendar days prior to the contested general election.
- d. A member placed on leave of absence pursuant to this Section may actively campaign for office during the period of the leave of absence, provided however, a member shall not do so while in uniform or engage in any activity implying the endorsement of the member by the Department.
- e. A member may obtain secondary employment during a leave of absence pursuant to this Section without permission of the Sheriff or the Commission.
- f. Upon abandonment of his or her campaign; or following an unsuccessful contested primary or general election; or completion of a term of office as Sheriff; a member, upon written application to the Commission, shall be reinstated to his or her former tenured rank, if otherwise eligible to do so under these Rules and Regulations.
- g. The rules in this Section requiring a leave of absence for political activity do not apply to sitting elected or appointed Sheriff who seeks reelection.

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 Department, and the discharge by the Department to its duties to the public.

Section 5. Outside Employment.

- 1. Limitation. No member shall engage in any other occupation outside of the Department for more than twenty (20) hours in any week, except by permission of the Sheriff.
- 2. Interference. In the event the Sheriff determines that a member's outside employment interferes with the discharge of the member's duties in the Department, the Sheriff may request the member reduce or eliminate his/her outside employment.

Section 6. 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 XI

Discipline

Section 1. Rights of Members. Whenever a member of the Macon County Sheriff's Department is under investigation or subjected to interrogation by the Department, for any reason which could lead to disciplinary action, demotion or dismissal, the Sheriff will determine

if a formal investigation is warranted. If so, formal investigation or interrogation shall be conducted under the following conditions:

- (a) The formal interrogation shall be conducted at a reasonable hour preferably at a time when the member is on duty;
- (b) The formal interrogation shall take place at the office of command of the investigating officer;
- (c) The member under formal interrogation shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation;
- (d) The member under formal investigation shall be informed of the nature of the complaint prior to any interrogation;
- (e) Interrogating sessions shall be for reasonable periods and there shall be times to allow for such personal necessities and rest periods as are reasonably necessary;
- (f) Any member under interrogation shall not be threatened with transfer, dismissal, or disciplinary action;
- (g) A complete record of any interrogation shall be made, and a complete transcript or copy shall be made available to the member under investigation without charge and without undue delay. Such record may be electronically recorded. If recorded, a duplicated copy of the recording will be made available to the member prior to departing from the hearing place if requested.
- (h) If any member under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all of his rights prior to the commencement of the interrogation;
- (i) At the request of any member under interrogation, he shall have the right to be represented by legal counsel of his choice who shall be present at all times during the interrogations. The interrogation shall be suspended for a reasonable time until representation can be obtained;
- (j) No law enforcement agency shall insert any adverse material into any file of the member unless the member has an opportunity to review and receive a copy of said material in writing regarding the adverse material, unless the member waives these rights in writing;

Section 2. Any member in the Macon County Sheriff's Department who is guilty of violating any of the internal departmental Rules and Regulations shall be subject to disciplinary action or dismissal by the Sheriff and the Commission. A member shall be subject to discipline or dismissal even though on leave of absence or suspension.

Section 3. By the Sheriff.

1. The Sheriff, without filing charges with the Commission, may suspend, without pay, for a

reasonable period of time not to exceed a total of thirty (30) working days within a twelve-month period, any member for infractions of internal departmental rules and regulations.

2. The Sheriff may suspend any such certified employee for a period in addition to the above limited thirty (30) working days, provided charges based upon said internal departmental rules and regulations against that person have been filed with the Commission during the original period of suspension, and pending the decision of the Commission on these charges.
3. The Sheriff, without filing charges with the Commission, may take the following disciplinary measures for infractions of internal departmental rules and regulations in addition to, or in place of, suspension as the above described.
 - a. Assign extra duty in a certified employee's regular assignment.
 - b. Reprimand a certified employee in writing.
 - c. Reprimand a certified employee orally.
 - d. In his discretion, combine any of the foregoing measures.
 - e. Dismiss any certified employee during his/her probationary period.
4. No other disciplinary measures shall be taken by the Sheriff except as authorized by the Commission.

Section 4.

1. The Sheriff may suspend any member of the Department for an unspecified period only when a complaint of formal charges against the member is to be filed, by the Sheriff, with the Commission. The Sheriff shall cause to have delivered, to each Commissioner, a copy of the complaint against the member in question within five (5) working days, starting with the member's first day of suspension. Service of the complaint may be made by United States Mail or by personal service to each Commissioner. It shall be the responsibility of each Commissioner to notify the Chairman that they are in receipt of the complaint against a member.
2. The Chairman shall set a disciplinary hearing date no more than fourteen (14) days after the date certified notification of complaint was made against a member except for good cause shown.

Section 5. Complaints. In all cases where the Sheriff desires to discipline a certified employee beyond measures prescribed in Section 3 of this Article, he/she shall file with all Commissioners a written complaint setting forth a disciplinary plan and concise statement of facts upon which the complaint is based and the specific Section or Sections of the internal departmental rules and regulations which the accused is charged with violating. The Commission will not consider any complaint based upon conduct which occurred more than one year prior to the date the

complaint is filed, unless a criminal offense is alleged to have taken place or the conduct was not discovered for over one year after its occurrence.

Section 6. Notification of Hearing.

1. Upon the filing of the complaint by the Sheriff, the Commission shall send a letter to the accused certified employee along with a copy of the complaint, by certified mail, return requested. 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. Said hearing shall be held not less than fourteen (14) days from the date of the letter notifying the accused certified employee of the complaint and hearing except for good cause shown.
2. A copy of the letter shall be mailed to the Sheriff by certified mail, return receipt requested, and shall constitute due notice to him/her of the time and place of the hearing on the complaint.

Section 7. Filing of Papers.

1. All papers may be filed with the Commission by mailing them to the Macon County Merit Commission, 333 South Franklin Street, Decatur, Illinois 62523. All papers may also be filed by delivering the same to the Commission's office in Macon County, Illinois, personally or by messenger. For the purpose of these procedures and rules and regulations, the filing date of any paper, filed by delivery, shall be the date it was received in the Commission's office. In the event the paper is delivered by mail, then the filing date shall be the postmarked date on the envelope.
2. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
3. If typewritten, the lines shall be double spaced except that long quotations may be single spaced and indented.
4. All papers shall not be larger than 8 1/2 inches wide by 11 inches long and shall have side margins of not less than one (1) inch.
5. The original of all papers filed shall be signed in ink by the party filing the paper or by their counsel.
6. If papers are filed by an attorney, his or her name and address shall appear thereon.
7. All papers required to be served shall be delivered personally to the party designated or mailed by United States mail in an envelope properly addressed, with postage prepaid, to the designated party at his/her last known address. Proof of service of any paper may be made by certification of any person so mailing the paper or delivering the same to the designated party personally or by filing a return receipt requested, at a party's address where it was received by a named party. Service on the Sheriff may be made in a similar manner.

Section 8. Hearing on Complaint.

1. All hearings will be conducted according to the Open Meetings Act.
2. The accused shall be afforded full opportunity to be heard in his/her own defense and to produce proof of his defense.
3. The Sheriff and the accused certified employee may be represented by counsel, if they desire.
4. All proceedings before the Commission during the hearing shall be recorded and transcribed for the benefit of the Commission.
5. A transcript of the proceedings may be requested by any party to the hearing. The cost of said transcript shall be borne by the person requesting it.
6. All witnesses shall be sworn by a member of the Commission prior to testifying.
7. The Commission may have its own counsel or may conduct its own examination of witnesses.
8. The Commission will first hear the witnesses substantiating the charges which have been made against the certified employee. Thereafter, the certified employee may present and examine those witnesses whom he desires the Commission to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.
9. Subpoenas. Either the Sheriff or the certified employee may, at any time before the hearing, make application to the Commission by filing with it a written request for subpoenas for individuals to appear for a hearing or have them produce books, papers, records, accounts, and other documents as may be deemed by the Commission to be relevant to the hearing. On the filing of such application, subpoena will be issued for the named persons. The Commission will not undertake the service of subpoenas. They may be served by any person designated by the party requesting the subpoenas. Application for subpoenas should contain the names and addresses of the individuals to be subpoenaed, and the identity of any documents which they are to produce.
10. Compelling Testimony and Production of Books and Papers at Hearings. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the Commission, or by any member thereof, and who shall refuse, or neglect to appear, or to testify, or to produce books and papers relevant to such investigation, as commanded in the subpoena, shall be guilty of a Class B misdemeanor upon referral to the State's Attorney of Macon County, Illinois.
11. Fees of Witnesses. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State in civil cases.
12. Perjury. Any circuit court of this State, or any judge thereon, upon application of any member of the Commission or any person acting under the orders of the Commission, may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Commission by an Attachment for Contempt,

or otherwise in the same manner as production of evidence may be compelled before the court. Every person who having taken oath or made affirmation before a member of the Commission, shall willfully swear or affirm falsehoods, shall be guilty of perjury and upon conviction shall be punished accordingly.

13. Continuances. No hearing shall be continued at the request of any of the parties to these proceedings or their attorneys unless such request is either made orally to the Chairman of the Commission, in the case of an emergency, or received in writing at the Commission office, at least five (5) working days before the scheduled hearing date. The Chairman reserves the right to deny a continuance if, in his opinion, it is necessary to do so.

Section 9. Decision of the Commission.

1. Decision. After the hearing, the Commission shall render a written decision and Order. It shall be mailed to the accused certified employee by certified mail, return receipt requested, no longer than forty-eight (48) hours after the decision has been made. A copy of said decision shall be mailed to the Sheriff.
2. Finding of Guilt. If the charges against an accused certified employee are established by the preponderance of the evidence, the Commission shall make a finding of guilty and order disciplinary measures to be taken pursuant to provisions of Section 10 below.
3. Finding of Innocence. If the charges against an accused certified employee are not established by the preponderance of the evidence, the commission shall make a finding of not guilty and order restoration and/or reimbursement pursuant to the provisions of Section 10 below.

Section 10. By the Commission.

1. Discipline. The Commission, after hearing the written charges as prescribed by these rules and regulations, if it shall make a finding of guilty, may order any of the following disciplinary measures which, in the opinion of the Commission, the offense merits:
 - a. Discharge and removal from the Macon County Sheriff's Department.
 - b. Reduction in rank.
 - c. Suspension for a period not to exceed a total of 180 working days. A certified employee suspended for a period exceeding thirty (30) working days may, at the discretion of the Commission, lose his/her seniority for the period of the suspension.
 - d. Such other disciplinary measures which, in the opinion in the Commission, the offense justifies as set forth in Section 3 of this Article.
2. If the Commission makes a finding of not guilty, it shall require the Sheriff to:
 - a. Restore the certified employee to duty forthwith at the rank and position from which he/she was suspended.

- b. Make provision to continue the certified employee's seniority as if it had never been interrupted.
 - c. See that the certified employee is properly reimbursed for any loss of salary during the suspension.
3. The Sheriff is prohibited from using his or her own power of discipline in any manner to punish any member for the alleged act for which the Commission has found the member not guilty.

Section 11. Default. When in the opinion of the Commission, any accused member fails to properly appear, in person, at the time that a disciplinary hearing is called to order, and having failed to make a proper request, in writing, of the Commission, prior to the hearing being called to order, for a continuance for a just cause, and be granted such a request by the Commission, the accused member may be found guilty as charged by default and deemed to have resigned from the Department.

Section 12. Prohibitions. No matter that is currently being decided by any Court of competent jurisdiction shall be acted upon by the Commission until disposition has been made by said court, to include any appeals, if any member, Macon County, Illinois, the Sheriff, or any other party directly associated with the Department or the County is a part of said court action.

Section 13. Administrative Review. The provisions of the "Illinois Administrative Procedure Act," (5 ILCS 100/1-1 et. seq.) and all amendments and modifications thereof, and the rules adopted pursuant thereof, shall apply to and govern all proceedings for the judicial review of any order of the Commission rendered pursuant to this Article.

ARTICLE XII

Review of Discipline by Sheriff

Section 1. Petition for Review.

1. Any certified employee who completed his/her probationary period who received a discipline pursuant to Article XI, Section 3, Paragraphs 1 and 2 by the Sheriff, may petition the Commission for a hearing to review discipline.
2. The petition shall be on letter-sized stationery and prepared pursuant to Article XI, Section 7 of these Rules and Regulations. In addition, the petition shall set forth the following information:
 - a. Name, rank and address of petitioner.
 - b. Date of entry on duty.
 - c. Date and time the notice of suspension was received and date and time it was to begin or began.
 - d. A copy of the notice of suspension or the quoted contents of the notice of suspension.

e. A statement showing the reason the petitioner feels the suspension should be reviewed by the Commission.

3. The petition for review shall be filed with all Commissioners.
4. The petition for review must be filed within three (3) days of the time the formal notice of suspension is provided to the certified employee. Failure to so file will result in an automatic dismissal of the petition. Any member desiring to seek review of any other discipline administered by the Sheriff must submit a petition pursuant to this Article no later than seven (7) days after exhausting all departmental grievance policies and procedures. Failure to so file will result in an automatic dismissal of the petition.
5. The petition for review and all papers pertaining to the Commission's hearing said petition shall be filed pursuant to Article XI, Section 7 of these Rules and Regulations.

Section 2. Notification of Hearing. Upon receipt of the petition, the Commission will deliver two copies to the Sheriff advising him of the receipt of the petition and setting forth the date, time, and place of hearing on said petition which shall be not less than fourteen (14) working days from the date of the notification. A copy of such letter, without the enclosures, will be mailed, certified mail, return receipt requested, to the petitioner and his/her attorney, if any, which copy shall be notification to him/her of the time and place of the hearing.

Section 3. Hearing on Petition for Review. All hearings by the Commission shall be conducted in the same manner as provided in Article XI, Section 8 of these Rules and Regulations.

Section 4. Decisions of the Commission.

1. Decision. After the hearing, the Commission shall render a written decision and Order. It shall be mailed to the petitioner by certified mail, return receipt requested, no longer than forty-eight (48) hours after the decision has been made. A copy of said decision shall be mailed to the Sheriff.
2. By its decision and Order, the Commission may sustain the action of the Sheriff, or may reverse or modify it with the instructions that the certified employee receive his/her pay for the period involved.

Section 5. Failure to Appear. When in the opinion of the Commission, a member fails to properly appear, in person, at the time that the hearing is called to order, and having failed to make a proper request, in writing, of the commission, prior to the hearing being called to order, for a continuance for a just cause, and be granted such a request by the Commission, the member's petition shall be determined as unfounded by default.

Section 6. Prohibitions. No matter that is currently being decided by any Court of competent jurisdiction shall be acted upon by the Commission until disposition has been made by said court, to include any appeals, if any member, Macon County, Illinois, the Sheriff, or any other party directly associated with the Department or the County is a party of said court action.

ARTICLE XIII

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.