

# **Champaign County Sheriff's Merit Commission**

Friday, July 10, 2020 @ 1:00 p.m.

Sheriff's Conference Room – Champaign County Sheriff's Office

204 E. Main Street, Urbana, Illinois 61801

CHAIR: Michael Kirby

MEMBERS: Oliver J. Clark; Cindy Cunningham

## **AGENDA ITEM**

I Call to Order

II Approval of Minutes – January 29, 2020

III Public Participation

IV Action Items

- Amendment to Merit Commission Rules

V Other Business

VI Adjournment

Champaign Co. Sheriff's Merit Commission  
204 E. Main Street  
Urbana, IL 61801-2702  
217-384-1205

Giraldo Rosales  
County Board Chair  
Darlene Kloeppel  
County Executive

**1. CHAMPAIGN COUNTY SHERIFF'S OFFICE  
MERIT COMMISSION  
RULES, REGULATIONS  
AND PROCEDURES**

The Merit Commission has the duty, pursuant to recognized merit principles of public employment, of certification for employment and promotion, and, upon complaint of the sheriff or states attorney as set forth in the Sheriff's Merit Commission Law, to discipline or discharge as the circumstances may warrant. All appointments and promotions shall be made without consideration of the political affiliation of any applicant. These Rules, Regulations and Procedures are enacted for the operation and transaction of Commission business.

The following are the Procedures and the Rules and Regulations adopted and promulgated by the Champaign County Sheriff's Office Merit Commission for its operation and the transaction of its business.

ARTICLE I  
ADMINISTRATIVE MATTERS

- A. OFFICE AND EMPLOYEES. The Commission shall maintain an office in Champaign County, Illinois, where such staff assistance, as it requires, shall function and where its files and records shall be kept. The mailing address shall be:

Sheriff's Merit Commission  
204 East Main Street  
Urbana, IL 61801

- B. COMPOSITION OF THE COMMISSION. The Commission shall consist of three members, each of who shall be appointed by the Sheriff and approved by the County Board. Each member shall serve for a term of six years or until his successor is appointed and qualified said terms to be staggered so that one member's term shall expire every two years. No more than two of the members appointed shall be from the same political party. No member of the Commission shall hold a statutory partisan political office.
- C. OFFICERS. The Officers of the Commission shall be: Chairman, Vice-Chairman and Secretary, and shall be elected at a meeting of the Commission every twenty-four months, to hold office until the following semi-annual meeting or until their successors are elected and qualified.
- D. DUTIES OF OFFICERS. The Chairman shall preside at all meetings and shall perform all duties required of him or her by the Procedures, Rules and Regulations.

The Vice-Chairman shall preside at meetings in the absence or disability of the Chairman.

The Secretary shall be responsible for the minutes and records of the Commission.

- E. REMOVAL OF OFFICERS. No member of a Merit Commission shall be removed except for palpable incompetence or malfeasance in office upon written charges filed by or at the direction of the sheriff or the county board and heard before the Board of Hearings provided for in the Sheriff's Merit Commission Law.
- F. NOTICE OF MEETINGS. Notice of Commission meetings shall be provided in accordance with the Open Meetings Act. The Commission shall post an agenda at the Commission's office and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting.

- G. ANNUAL MEETINGS. During January, an annual meeting of the Commission shall be held. The Commission shall, at its annual meeting, prepare and give public notice of regular meetings for the year and shall state the regular dates, times and places of such meetings.
- H. QUARTERLY MEETINGS. The Commission shall hold regular quarterly meetings, to be held during the months of January, April, July and October. The dates and times of those meetings within the stated months shall be at the discretion of the Commission.
- I. SPECIAL MEETINGS. Special meetings of the Commission shall be called upon the request of two Commission members directed to the Chairman, or upon request of the Chairman. Notice of all meetings shall be given, in writing, by the Chairman to each of the Commission members and to the public specifying the time and place of such meeting at least 48 hours before the commencement of the meeting. Service of notice to the Commissioners shall be by United States mail and a copy shall be posted on the building in the Courthouse.
- J. CLOSED SESSION. The Commission may enter closed session in accordance with the Open Meetings Act.
- K. QUORUM. At all meetings, two members of the Commission shall constitute a quorum and shall conduct any and all business of the Commission.
- L. VOTING. On all matters, the concurrence of at least two members of the Commission shall be necessary to a decision and the action of such a majority shall be the act of the Commission.
- M. MINUTES AND RECORDS. The Commission shall keep and maintain a Minute Book in which will be recorded the actions of the Commission and decisions rendered at each meeting. The minutes shall include the date, time, and place of the meeting; the members of the Commission present; and a summary of discussion of all matters proposed, deliberated, or decided, and a record of any votes taken.
- N. CONFIDENTIAL MATTERS. The files of the Commission, relating to all personnel matters of the County Sheriff's Office, shall be confidential except that any member of the Office shall be permitted, on request, to examine his or her records. This paragraph shall be administered consistent with the requirements of the Freedom of Information Act.
- O. A sufficient sum of money shall be provided each year by the County Board to carry out the provisions of this Division. The county board may establish per diem compensation for members of the Commission and shall allow reimbursement for reasonable and necessary expenses.

P. CHANGE IN RULES, REGULATIONS AND PROCEDURES. The Commission may at any meeting amend, adopt or rescind any Procedure, Rule, Regulation or Procedure.

ARTICLE II  
RULES AND REGULATIONS FOR THE CONDUCT OF MEMBERS  
OF THE COUNTY SHERIFF'S OFFICE

- A. The Sheriff has the authority to promulgate an operating procedures manual and standards of conduct for members of the Office.
  
- B. Any deputized person of the Champaign County Sheriff's Office, who shall be guilty of violations of any of the rules and regulations set forth in the operating procedures manual, which are not inconsistent with these Procedures, Rules, Regulations and Procedures shall be subject to disciplinary action or dismissal.

ARTICLE III  
REPORTS TO THE MERIT COMMISSION

As permitted by the then current applicable collection bargaining agreements and laws, the Sheriff shall furnish such documents as requested by the Merit Commission as the Commission deems relevant and necessary to fulfill its duties to make any findings or decisions in a disciplinary or promotional matter.

ARTICLE IV  
CLASSIFICATION OF PERSONNEL

- A. For purposes of the administration and operation of the merit system in the Champaign County Sheriff's Office, the ranks shall be as follows:
- a. Law Enforcement/ Support Services
    - i. Captain – Law Enforcement/ Support Services
    - ii. Lieutenant – Law Enforcement
    - iii. Sergeant – Law Enforcement
    - iv. Deputy Sheriff
  - b. Corrections
    - i. Captain
    - ii. Lieutenant – Corrections
    - iii. Sergeant – Corrections
    - iv. Correctional Officer
  - c. Court Security
    - i. Lieutenant – Court Security
    - ii. Sergeant – Court Security
    - iii. Court Security Officer
- B. Personnel shall be assigned to such duties and functions within the Office, as the Sheriff shall direct.
- C. Champaign County has created the position of Chief Deputy, which is exempt from the jurisdiction of this Commission.
- D. Any language in these rules to the contrary, all positions shall be subject to one-year probationary period, or a longer period as set forth in the relevant collective bargaining agreement. The time period, if any is specifically set, in the agreement shall control, not these rules. However, if none is set, then these rules will control. By written agreement between the Sheriff and the employee (and union if necessary) the probationary period as set forth in these rules or the collective bargaining agreements can be extended up to an additional 120 days. During a probationary period, the employee may be discharged at the sole discretion of the Sheriff with no notice or hearing rights whatsoever.



ARTICLE V  
APPOINTMENT

- A. CERTIFICATION FOR APPOINTMENT. The appointment of all personnel subject to the jurisdiction of this Commission shall be made by the Sheriff from those applicants who have been certified by this Commission as being qualified for appointment. The Sheriff shall make appointments from those persons certified by the Commission as qualified for appointment.
- a. As vacancies occur within the Office, the Sheriff shall hire from any list of certified applicants then in effect; otherwise the Commission shall solicit and receive applications for appointment to fill the vacancies.
  - b. After the various screening examinations and the background investigations have been completed, those applicants who have been found to possess the prescribed requisites for appointment shall be so informed by the Commission and shall be certified as qualified to the Sheriff.
  - c. If the Sheriff rejects any persons so certified, the Sheriff shall notify the Commission in writing of such rejection.
  - d. The Commission shall keep a list of those applicants qualified for appointment or promotion.
  - e. Certification for appointment and promotion shall be valid for a period of two years following the date of certification unless earlier decertified by the Commission. If a certified applicant is not appointed within said two-year period, then his/her certification shall expire. To be appointed, he/she must reapply for examination and certification.
- B. REQUIREMENTS. The Commission establishes the following minimum requirements for appointment to the respective positions:
- a. APPOINTMENT AS DEPUTY SHERIFF – LAW ENFORCEMENT DIVISION. An applicant for Deputy Sheriff in the Sheriff’s Office shall:
    - i. Be at least 21 years of age at the time of appointment as a Deputy Sheriff.
    - ii. Have a high school diploma or equivalent.
    - iii. Pass such screening examinations and interviews as the Commission may from time to time prescribe.

- iv. An applicant who meets the above qualifications shall become a certified applicant after the Sheriff notifies the Commission, in writing, that the applicant meets the above qualifications. Upon meeting the above qualifications, the applicant must:
  1. Pass a background investigation to the Sheriff's satisfaction.
  2. Successfully pass an interview process with the Sheriff and/or Sheriff's Interview Board.
  3. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.
  4. Applicants must take and pass, to the Sheriff's satisfaction, a medical examination, including drug screening and must have a negative result for both controlled substances and marijuana. Applicants must also take a psychological examination after the Sheriff has extended an offer of employment.

**b. ALTERNATE APPOINTMENT AS DEPUTY SHERIFF – LAW ENFORCEMENT DIVISION, EXPERIENCED OFFICER/EDUCATION HIRING PROGRAM. This program allows applicants who meet the prescribed qualifications to by-pass the written entry -level examination and proceed into the application process at any time during the year. To be eligible to apply to the program, the applicant must:**

- i. **Be at least 21 years of age**
- ii. **Have a high school diploma or equivalent**
- iii. **The applicant has successfully completed the basic law enforcement training academy for Police Officers/Deputy Sheriffs or a recognized equivalent.**
- iv. **Currently certified by the State of Illinois or able to obtain that certification without having to attend the basic academy.**
- v. **Be currently employed or have one or more years of experience, within the last five years, as a police officer or deputy sheriff, with a state, county or local law enforcement agency, and is currently in good standing in the law enforcement agency in which the person is serving or left that agency in good standing, or have successfully completed Illinois Police Corps Program administered through the Illinois Local Law Enforcement Training and Standards Board.**

- vi. An applicant who meets the above qualification shall become a certified applicant after the Sheriff notifies the Commission, in writing, that the applicant meets the above qualifications. Upon meeting the above qualifications, the applicant must:**
  - 1. Pass a background investigation, to the Sheriff's satisfaction, using the same criteria as for the regular testing program.**
  - 2. Successfully pass an interview process with the Sheriff and/or Sheriff's Interview Board.**
  - 3. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.**
  - 4. Applicants must take and pass to the Sheriff's satisfaction, a medical examination and/or psychological examination after the Sheriff has extended an offer of employment, if requested by the Sheriff.**
- vii. Testing may be done anytime there are applicants meeting the Experienced Officer Hiring Program qualifications. The Sheriff may appoint any applicant who meets the above criteria, to the position of Deputy Sheriff.**

c. APPOINTMENT AS CORRECTIONAL OFFICER. An applicant for Correctional Officer in the Sheriff's Office shall:

- i. Be at least 21 years of age at the time of appointment as a Correctional Officer.
- ii. Have a high school diploma or equivalent.
- iii. Pass such screening examinations and interviews as the Commission from time to time prescribes.
- iv. An applicant who meets the above qualifications shall become a certified applicant after the Sheriff notifies the Commission, in writing, that the applicant meets the above qualifications. Upon meeting the above qualifications, the applicant must:
  - 1. Pass a background investigation to the Sheriff's satisfaction.
  - 2. Successfully pass an interview process with the Sheriff and/or Sheriff's interview Board.

3. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.
4. Applicants must take and pass, to the Sheriff's satisfaction, a medical examination, including drug screening and must have a negative result for both controlled substances and marijuana. Applicants must also take a psychological examination after the Sheriff has extended an offer of employment.

**d. ALTERNATE APPOINTMENT AS CORRECTIONAL OFFICER. EXPERIENCED CORRECTIONAL OFFICER HIRING PROGRAM. The Correctional Officer Program allows applicants who meet the prescribed qualifications to by-pass the written entry-level examination and proceed into the application process at any time during the year. To be eligible to apply to this program, the applicant must:**

- i. Be at least 21 years of age.**
- ii. Have a high school diploma or equivalent.**
- iii. The applicant has successfully completed the basic corrections training academy for Correctional Officers or a recognized equivalent.**
- iv. Currently certified by the State of Illinois or able to obtain that certification or waiver without having to attend the basic academy.**
- v. Be currently employed or have one or more years of experience, within the last five years, as a correctional Officer, with a state, county or local Correctional facility.**
- vi. Is currently in good standing in the law enforcement agency in which the person was serving or left that agency in good standing.**
- vii. An applicant who meets the above qualifications shall become a certified applicant upon the Sheriff notifying all commission members, in writing, that the applicant meets the above qualifications. Upon meeting the above qualifications, the applicant must:**
  - 1. Pass a background investigation, to the Sheriff's satisfaction, using the same criteria as for the regular testing program.**

- 2. Successfully pass an interview process with the Sheriff and/or Sheriff's Interview Board.**
  - 3. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.**
  - 4. Applicants must take and pass, to the Sheriff's satisfaction, a medical examination and/or psychological examination after the Sheriff has extended an offer of employment, if requested by the Sheriff.**
- e. APPOINTMENT AS COURT SECURITY OFFICER. An applicant for Court Security in the Sheriff's Office shall:
- i. Be at least 21 years of age at the time of appointment as Court Security Officer.
  - ii. Have a high school diploma or equivalent.
  - iii. Pass such screening examinations and/or interviews as the Sheriff may from time to time prescribe.
  - iv. The Sheriff shall notify the Commission, in writing, that an applicant is, or applicants are qualified. Such an applicant or applicants shall then be automatically certified as eligible by the Commission for possible hire, subject to the following if requested by the Sheriff:
    1. Pass a background investigation to the Sheriff's satisfaction.
    2. Successfully pass an interview process with the Sheriff and/or Sheriff's Interview Board.
    3. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.
    4. Applicants must take and pass, to the Sheriff's satisfaction, a medical examination, including drug screening and must have a negative result for both controlled substances and marijuana. Applicants must also take a psychological examination after the Sheriff has extended an offer of employment.
- f. INTRA-OFFICE TRANSFERS. A Deputy Sheriff, Correctional Officer or Court Security Officer who is in good standing with the Sheriff's Office may request the

Sheriff to transfer to a different division (e.g., Court Security Officer desires to be a Correctional Officer). An officer desiring to transfer must:

- i. Successfully pass an interview process with the Sheriff and/or Sheriff's Interview Board.
  - ii. If requested, applicants must take and pass, to the Sheriff's satisfaction, a strength/physical agility test.
  - iii. Applicants must take and pass, to the Sheriff's satisfaction, a medical examination, including drug screening and must have a negative result for both controlled substances and marijuana. Applicants must also take a psychological examination after the Sheriff has extended an offer of employment.
  - iv. The Sheriff may, but does not have to, allow an officer to transfer who meets the above criteria. The Sheriff shall notify the Merit Commission, in writing, of such transfer. The transferred officer shall serve a period of probation like any other officer in that division and he/she shall carry no seniority with him/her; i.e. that person will begin in the new division at the bottom of the seniority list.
- C. All initial appointees shall serve a probationary period of 18 months during which time they may be discharged at the will of the Sheriff. At any time during the probationary period, a probationary employee may be summarily suspended, with or without pay, or discharged by the Sheriff and at the Sheriff's sole discretion, without notice of any opportunity for hearing. At the end of the 18 months, a probationary employee who has successfully passed the probation period can only be disciplined or removed from the position under the guidelines set forth in these Rules, Regulations and Procedures.
- D. Persons who are re-employed after termination of employment shall be considered newly employed and shall serve the probationary period.

ARTICLE VI  
PROMOTIONS

- A. CERTIFICATION FOR PROMOTION. All vacancies in all ranks of Deputy Sheriff, Correctional Officers or Court Security Officers above the lowest shall be filled by promotion:
- a. The Sheriff shall notify the Commission, in writing, of those Deputies, Correctional Officers and Court Security Officers eligible for promotion.
  - b. Whenever a position in a higher rank is to be filled, the Merit Commission shall certify to the Sheriff the names of eligible persons who stand highest upon the promotional register for the rank to which the position belongs. The Commission shall make certifications for promotion based on ascertained merit, seniority of service and physical and other qualifying examinations.
  - c. The Sheriff shall appoint from those whose names were certified.
- B. REQUIREMENTS. The Commission establishes the following minimum requirements for promotion to the respective positions:
- a. PROMOTION AS SERGEANT – LAW ENFORCEMENT. An applicant for Sergeant-Law Enforcement shall, in addition to meeting the standards prescribed for Deputy Sheriff, including, but not limited to examinations and/or interviews, have been engaged directly in full-time law enforcement work for at least three years of the preceding four years at the time application is received by the Commission.
  - b. PROMOTION AS LIEUTENANT – LAW ENFORCEMENT. An applicant for Lieutenant – Law Enforcement shall, in addition to meeting the standards prescribed for Deputy Sheriff, including, but not limited to examinations and/or interviews, have been engaged directly in full-time law enforcement work for at least five years of the preceding six years at the time application is received by the Commission.
  - c. PROMOTION AS CAPTAIN – LAW ENFORCEMENT OR SUPPORT SERVICES. An applicant for Captain of Law Enforcement or Captain of Support Services shall, in addition to meeting the standards prescribed for Deputy Sheriff, including, but not limited to examinations and/or interviews, have been directly engaged in full-time law enforcement work for at least seven years of the preceding eight years at the time the application is received by the Commission.
  - d. PROMOTION AS SERGEANT – CORRECTIONS. An applicant for Sergeant-Corrections shall, in addition to meeting the standards prescribed for Correctional

Officer, including, but not limited to examinations and/or interviews, have been engaged directly in full-time corrections work for Champaign County, Illinois, for at least three years at the time the application is received by the Commission.

- e. **PROMOTION OF LIEUTENANT-CORRECTIONS.** An applicant for Lieutenant-Corrections shall, in addition to meeting the standards prescribed for Correctional Officer, including, but not limited to examinations and/or interviews, have been engaged directly in full-time corrections work for Champaign County, Illinois, for at least five years at the time application is received by the Commission.
  - f. **PROMOTION AS CAPTAIN-CORRECTION.** An applicant for Captain of Corrections shall, in addition to meeting the standards prescribed for Correctional Officer, including, but not limited to examinations and/or interviews, have been engaged directly in full-time corrections work for at least seven years of the preceding eight years at the time application is received by the Commission, OR have a bachelor's degree in an appropriate discipline; five years of related administrative experience, demonstrated administrative ability and leadership. Degree requirements may be satisfied by completion of a career development program that includes work-related experience, training or college credits at a level of achievement equivalent to the bachelor's degree.
  - g. **PROMOTION OF COURT SECURITY OFFICER AS SERGEANT.** An applicant for Sergeant/Supervisor of Court Security shall, in addition to meeting the standards prescribed for the Court Security Officer, including but not limited to examinations and/or interviews, have been directly engaged in fulltime court security work for at least one year of the preceding two years at the time
- C. **PROBATIONARY PERIOD – PROMOTIONS.** Persons appointed to a higher rank subject to the Merit Commission's jurisdiction shall be on probation in such higher rank for a period of one year. Such appointees shall be demoted by the Sheriff to their former rank at any time during the period of probation if, in the opinion of the Sheriff, they have failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service at the higher rank.



ARTICLE VII  
LEAVE OF ABSENCE  
TEMPORARY PROMOTIONS

- A. LEAVE OF ABSENCE: The Sheriff may grant an indefinite leave of absence to an employee with Merit Commission rank and protection to take a different position in the Sheriff's Office and/or with the County of Champaign.
  
- B. TEMPORARY PROMOTIONS: The Sheriff may make temporary promotions to any rank for up to 120 days without action by the Merit Commission.

ARTICLE VIII  
RESIGNATIONS, REINSTATEMENT AND RETIREMENT

- A. Should a former person subject to the jurisdiction of the Commission who had resigned while in good standing desire to affiliate himself again with the County Sheriff's Office, he/she may use the Experienced Officer Hiring Program if he/she meets that program's requirements. Any former member who is re-employed shall be required to serve **18-months** as a probationary employee, during which time the member may be discharged at the will of the Sheriff.
  
- B. After a member is suspended under the provisions of these Rules, Regulations and Procedures, he shall automatically be reinstated upon the termination of the period of suspension ordered by the Commission or the Sheriff.
  
- C. In the event of reductions in the number of permanent positions in the Schedule of Authorized Positions, as enacted by the Champaign County Board, officers shall be laid off in order of inverse seniority. Procedures for bargaining unit employees shall be contained in the union contract. Affected supervisory personnel shall be reduced to the next lower rank in law enforcement or corrections following the principle of seniority in rank. Seniority in rank is defined as the length of continuous full-time service since the last date of hire within the job classification plus the length of continuous full-time service since the last date of hire in the higher rank from which the employee was laid-off, if any. The Sheriff shall notify the Merit Commission of all reductions in force. When a permanent vacancy occurs in a supervisory job classification within one year of a layoff from that job classification, the vacancy shall be offered to the most senior employee who was laid off from that classification within that year if that employee is still an employee of the Champaign County Sheriff's Office. If the employee was a probationary employee in the higher rank at the time of layoff and had served less than six months of the probationary period, the employee shall serve a one-year probationary period after recall. If the employee had served six months or more of the probationary period, the employee shall serve a six months probationary period after recall.

ARTICLE IX  
DISCIPLINARY MEASURES

A. BY THE SHERIFF

1. Disciplinary measures for actions violating either the rules and regulations of the Commission or the internal procedures of the Sheriff's Office may be taken by the Sheriff. Such disciplinary measures may include suspension of any sworn person for reasonable periods, not exceeding a cumulative 30 days in any 12-month period.
2. In the event the Sheriff suspends a certified person upon the filing of a petition with the Merit Commission seeking removal, demotion or suspension, the person may be suspended for longer than 30 days pending the decision of the Commission on the charges.
3. No person, suspended with pay, shall accept payment for work during the suspension from any other source. Acceptance of any such payment shall constitute resignation from the Sheriff's Office.

B. BY THE COMMISSION

1. After a hearing upon written charges, in accordance with these Rules, Regulations and Procedures, the Commission may impose any of the following provisions upon a finding of guilty, proven by a preponderance of the evidence:
  - a. Suspension without pay for a period not to exceed a cumulative 180 days in any twelve-month period.
  - b. Reduction in rank.
  - c. Discharge from employment with the Champaign County Sheriff's Office.
2. If the Commission finds, after hearing, that the charges have not been proven by a preponderance of the evidence, the Commission will enter an order of not guilty and direct that the person be reinstated and paid his compensation for the suspension period, if any, while awaiting the hearing.
3. Any member of the Sheriff's Office, who has been suspended without pay by the Sheriff may appeal his/her suspension to the Commission. After a hearing in accordance with the permission of these Rules, Regulations and Procedures, the Commission may:

- a. Affirm the suspension;
- b. Reduce the suspension to fewer days;
- c. Increase the suspension to more days, not to exceed 180 days;
- d. Reduce the suspension to a written reprimand;
- e. Reverse the suspension.

ARTICLE X  
DISCIPLINARY PROCEDURES

A. COMPLAINTS. Complaints to the Commission shall be initiated in the following manner:

1. In all cases where the Sheriff desires to discipline a member of the County Sheriff's Office beyond measures prescribed by law, or the State's Attorney desires to discipline a member, he shall file a complaint in quintuplicate with the Commission, setting forth a plain and concise statement of the facts upon which the Complaint is based sufficient to apprise the member of the nature of the charges in preparation of his defense, if any, and the specific section or sections of the internal departmental rules which the accused member is charged with violating. Complaints by the Sheriff must be filed within a reasonable time after the notice to the Sheriff of the infraction.

In all cases the State's Attorney may file a written complaint against a member.

2. In all cases where a member of the Sheriff's Office shall desire to appeal to the Commission, a suspension without pay imposed by the Sheriff, the member shall file a notice of appeal with the Merit Commission within 15 days after receipt of notification by the Sheriff of the suspension. The notice of appeal shall include a copy of the Sheriff's letter of suspension.

B. NOTIFICATION OF HEARING

1. Complaints by Sheriff or State's Attorney
  - a. On receipt of a complaint from the Sheriff or the State's Attorney the Commission shall notify the accused member of the filing of the Complaint and set forth the time and place of hearing on the charges contained in the Complaint. The Complaint and notice shall be served by personal service with affidavit of service or shall be sent by certified United States mail return receipt requested, deliver to addressee only, addressed to the last known residence address of the member. The return receipt shall constitute proof of service of the Complaint and notice to the accused member. Such hearing shall be held upon not less than 14 days notice.
  - b. A copy of the notice shall be mailed in the same manner to the Sheriff or the State's Attorney and shall constitute notice to him of the time and place of the hearing on the Complaint.

- c. Not less than 5 days prior to the date appointed for the hearing, the member shall file with the Commission an answer, in writing, to the charges against him specifically admitting or denying each of the said charges.
    - d. If the person against whom charges have been filed fails to appear at the hearing, or otherwise defend against the charges, the Commission shall decide after hearing the evidence presented in support of the charge.
  2. Appeals by Members. On receipt of a Notice of Appeal from any member of the Sheriff's Office from a disciplinary action subject to the jurisdiction of the Commission, the Commission shall notify the Sheriff of the filing of the Notice of Appeal and set forth the time and place of hearing. Notice shall be given in the same manner, as described above.
- C. SUBPOENAS. The Commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers in support of the charges and for the defense. Each member of the Commission shall have the power to administer oaths.
  1. The Sheriff and the member, or their respective counsel, may, at any time before the hearing, apply to the Commission for Subpoena directed to specific persons requiring their appearance at the hearing, and if necessary, requiring them to produce at the hearing, books, papers, records and such other things as may be relevant to the hearing. The application shall specify the names and addresses of the persons to be Subpoenaed and documents and things that they are to be required to produce. The requested Subpoena will be issued.
  2. Subpoenas issued by the Commission may be served by any adult person designated by the party requesting the Subpoena. Subpoenas will not issue for anyone residing outside the State of Illinois. Any requests for continuance, by reason of inability to serve Subpoena shall be filed in the office of the Commission at least five days before the date set for such hearing.
  3. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court of this State.
- D. COUNSEL. Both the Commission and the sheriff may be represented by counsel. The State's Attorney of the applicable county may advise either the Commission or the sheriff. The other party may engage private counsel to advise it.
- E. HEARING ON CHARGES

1. At such hearing, the accused certified person shall be afforded full opportunity to be represented by counsel, to be heard in his own defense and to produce proof in his defense.
  2. Counsel for the Commission may serve in the role of hearing officer, ruling on evidentiary issues or similar issues for which legal training is relevant. The decision on any ruling belongs to the Commission.
  3. Any member may waive his right to a hearing by written notice to the Commission.
  4. Disciplinary hearings, in whole or in part, may be open or closed in accordance with the Open Meetings Act.
  5. The party bringing the action shall have the burden of proof and shall therefore present its case first. On Complaints, the Commission will first hear the witnesses in support of the charges which have been made. Thereafter, the accused member may present those witnesses whom he desires the Commission to hear. On Appeals, the Commission will first hear the witnesses in support of the member's claim that the disciplinary action was improper. Thereafter, the Sheriff or State's Attorney may present examine those witnesses whom he desires the Commission to hear.
  6. Prior to testifying, all witnesses shall be sworn by the Chairman or another member of the Commission. Each member of the Commission shall have the power to administer oaths.
  7. The appealing member and the Sheriff or the State's Attorney may present evidence and examine those witnesses whom they desire to hear.
  8. All parties shall have the right to cross-examine witnesses presented by the opposite party. The Commission shall have the right to examine and to recall and recall witnesses.
  9. During the hearing, all proceedings before the Commission will be recorded by a court reporter to be employed by the Commission. The record of hearings will not be transcribed by the court reporter unless requested by the Commission or any party interested in the hearing. The cost of the transcript shall be borne by the person requesting the transcript.
- F. DISCHARGE FROM EMPLOYMENT: No permanent member of the Sheriff's Office shall be discharged except by decision of the Commission in accordance with these Rules, Regulations and Procedures and the Sheriff's Merit System Law.

ARTICLE XII  
SUSPENSION AND TERMINATION DUE TO ILLNESS

- A. The Sheriff may summarily suspend from duty with pay any member of the Sheriff's Office where he reasonably believes a lack of mental or physical fitness exists to impair proper performance of duties and which creates a danger to other persons.
  
- B. In all other cases where the Sheriff reasonably believes a lack of mental or physical fitness exists, the Sheriff may require any member to be examined by a physician at the Sheriff's expense. The physician shall be designated by the Commission. The Sheriff may thereafter file a Complaint with the Commission seeking suspension or termination based on lack of mental or physical fitness. In such cases, the same rules relating to notice, charges and hearings, as apply in disciplinary proceedings, shall be followed.

Approved and adopted this 10<sup>th</sup> day of July 2020.

CHAMPAIGN COUNTY SHERIFF'S OFFICE  
MERIT COMMISSION

\_\_\_\_\_  
Michael E. Kirby  
Chair

\_\_\_\_\_  
Cynthia Cunningham  
Vice Chair

\_\_\_\_\_  
Oliver J. Clark  
Secretary

\*\* Rules approved/revised 7/10/2020 \*\*