# RULES AND REGULATIONS

LAKE COUNTY SHERIFF'S OFFICE

## MERIT COMMISSION

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**Adopted: 3-8-66**
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**Revised: 9-20-82**
**Complete Revision: 12-16-10**

# LAKE COUNTY SHERIFF'S OFFICE MERIT COMMISSION

## WAUKEGAN, ILLINOIS

*It is the mission of the Lake County Sheriff's Office Merit Commission to provide professional, high quality, and effective personnel to the Sheriff's Office. We, the members of the Commission, believe that our work has a vital impact on the quality of life in our community. By recognizing the changing and diverse needs of the community, the Commission promotes and encourages a policy of professional individual excellence. We support an organizational climate of mutual trust and respect.*

# RULES

# &

# REGULATIONS

COMMISSION:

MARION L. WATSON, CHAIRMAN
LEO C. McCANN, VICE-CHAIRMAN
K. MICHAEL MICELI, SECRETARY
JOHN S. MATIJEVICH, COMMISSIONER
HENRY J. BOGDALA, SR., COMMISSIONER

MEMBER OF:
ILLINOIS BOARD OF SHERIFF'S
MERIT COMMISSIONS

**ADOPTION, REVISION, AND AMENDMENTS TO THE LAKE COUNTY SHERIFF'S OFFICE MERIT COMMISSION RULES AND REGULATIONS**

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# LAKE COUNTY SHERIFF'S OFFICE MERIT COMMISSION

## RULES AND REGULATIONS

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Each Deputy Sheriff of the Lake County Sheriff's Office shall receive from the Merit Commission one (1) copy of these Rules and Regulations and all amendments hereafter. Each Deputy Sheriff of the Sheriff's Office shall acknowledge receipt of these Rules and Regulations and copies of the Amended Consent Decree, Consent Decree, and Consent Decree and Agreement, entered into on October 26, 1981 before the Honorable Marvin E. Aspen in case number 80 C 6906, and a permanent receipt record kept hereafter.

The following Rules and Regulations, as adopted and revised by the Lake County Sheriff's Office Merit Commission shall apply to all personnel, deputized by the Sheriff and compensated by the County of Lake. These Lake County Sheriff's Office Merit Commission Rules and Regulations are intended to be gender neutral, therefore, any words that impart male persons include female persons and vice versa.

## ARTICLE I

## DEFINITIONS

Unless otherwise required by the context, words used in these rules shall have the following special meanings:

1.01 Applicant: male or female person who has filed an application to take a merit system examination for a Deputy Sheriff position in the Sheriff's Office.

1.02 Appointment: acceptance of a person to a position on a permanent basis.

1.03 Candidate: refers to the status of a person qualified by reason of having passed the appropriate examinations but has not completed the process.

1.04 (Deleted February 24, 1993).

1.05 Deputy Sheriff: any full time person who has successfully completed all phases of screening and testing by the Commission and who has been certified by the Commission as eligible for appointment and has subsequently been interviewed and hired by the Lake County Sheriff for the position of Deputy Sheriff, and who has taken and subscribed to an oath or affirmation, in the form, as is required by law of the Sheriff. (Amended 2-24-93) (Amended 12-16-10).

1.06 (Deleted February 24, 1993).

1.07 Commission: wherever referred to in these rules and regulations shall mean the Lake County Sheriff's Office Merit Commission. The Merit Commission is an administrative agency which, while created by the County Board, exists now independent of both the Sheriff and the Board, administering a system along recognized principles of public employment and compensation as prescribed by State Statute and provided by County Ordinance. (Amended 12-16-10).

1.08 Conference: an informal fact-finding discussion called by the Commission.

1.09 County Board: wherever referred to in these rules and regulations, shall mean the Lake County Board.

1.10 Demotion: a lowering in class, position, or compensation. "Reduction" and "Demotion" are synonymous.

1.11 Discharge: the separation from the Sheriff's Office for cause, with the approval of the Commission.

1.12 Performance and Leadership Evaluations: the rating given an employee on his performance.

1.13 Conditional Certified Eligibility List: a list of names of applicants who have passed examinations, physical agility tests and oral examinations, whose certification is contingent upon passing a polygraph examination, psychological evaluation, and background check. (Amended 12-16-10)

1.13a Certified Eligibility List- a list of applicants who have completed all testing and examination procedures and are certified by the Commission for submission to the Sheriff for his consideration.(Amended 12-16-10)

1.14 Examination: the process of testing, evaluating, or investigating the fitness and qualifications of the applicants.

1.15 Hearing: a formal administrative proceeding instituted on written charges.

1.16 Probation or Probationary: the status of an employee during a trial period following an original or promotional appointment.

1.17 Promotion: the advancement to a position of a higher rank or grade. Promotional examinations are limited to qualified members of the Sheriff's Office.

1.18 Table of Organization: a list of ranks needed in the Sheriff's Office and the compensation schedule established for each rank.

## ARTICLE II

## ADMINISTRATIVE PROCEDURES

2.01 Table of Organization

Salary shall be based on the Table of Organization submitted by the Sheriff, showing the rank and compensation schedule for each rank. This Table of Organization shall be submitted to the Commission at such time as FY budget and appropriations are approved by the proper Committee and the County Board.

2.02 Conditions of Appointment

After the effective date of these revised Rules and Regulations, the appointment of Deputy Sheriffs in the Sheriff's Office shall be made by the Sheriff from those applicants who have been certified by the Commission as being qualified for appointment. Individuals will remain on the certified list for two (2) years from the date of certification. The Commission may extend the certified list for an additional one (1) year period. All candidates so certified shall not be less than twenty-one years of age at the time of the first test in the application/certification process, be of sound mind and body, be of good moral character, be citizens of the United States at the time of the first test in the application/certification process, be finger-printed, have no felony record, possess such pre-requisites of training, education and experience as the Commission may from time to time prescribe, and shall be required to pass successfully mental, physical, and other examinations and validated tests as may be prescribed by the Commission.

Before entering upon his duties, each Deputy Sheriff shall execute a good, valuable, legal and sufficient bond, payable to the People of the State of Illinois, in the penal sum of Ten Thousand Dollars ($10,000) conditioned on the faithful performance of his duties. (Amended 12-16-10)

All Deputy Sheriffs appointed to the Sheriff's Office shall not become a regular member of the force and entitled to the benefits afforded thereunder until and unless he or she shall have successfully completed a twelve (12) month probationary period. (Amended 2-24-93)

2.03 Promotions

Promotions from a lower rank to a higher rank shall be made by the Sheriff from those candidates certified by the Merit Commission as being eligible for promotion. The Commission shall make certifications for promotion on the basis

of ascertained merit, experience and physical, mental and other tests and examinations proposed by the Commission. (Amended 2-24-93)

2.04 Performance and Leadership Evaluations

A performance evaluation and leadership evaluation with rating instructions and procedures shall be prepared by the Sheriff's Office for all Deputy Sheriffs of all ranks by October 1 of each year. The said reports shall be prepared by commanding officers evaluating the effectiveness of all persons holding any rank under his supervision. (Amended 5-19-93)

All commanding officers shall be evaluated by the Sheriff.

A copy of the performance evaluation and leadership evaluation shall be given to the Commission and one copy shall be retained on file in the Sheriff's Office.

2.05 Appointments and Promotions - Rules Governing

All appointments and promotions shall be made in accordance with the provisions of the Rules and Regulations of the Commission without consideration of the political affiliation of any applicant.

2.06 Disciplinary Measures

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 certified person for reasonable periods, not exceeding a cumulative 30 days in any 12 month period. (Amended 2-24-93)

2.07 Removal, Demotion, or Suspension

Except as is otherwise provided in these rules, no certified person shall be removed, demoted, or suspended except for cause, upon written charges filed with the Commission by the Sheriff.

Upon the filing of such a petition, the Sheriff may suspend the certified person pending the decision of the Commission on the charge. After the charges have been heard, the Commission may direct that the person receive his pay for any part or all of this suspension period, if any. (Amended 2-24-93)

The charges shall be heard by the Commission upon not less than 14 days certified notice. 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. (Amended 2-24-93)

Each member of the Commission shall have the power to administer oaths.

If the charges against an accused person are established by the preponderance of evidence, the Commission shall make a finding of guilty and order either removal, demotion, loss of seniority, suspension for a period not more than 180 days, or such other disciplinary punishment as may be prescribed by the Rules and Regulations of the Commission which, in the opinion of the members thereof, the offense justifies. If the charges against an accused person are not established by the preponderance of evidence, the Commission shall make a finding of not guilty and shall order that the person be reinstated and be paid his compensation for the suspension period, if any, while awaiting the hearing. The Sheriff shall take such action as may be ordered by the Commission.

The provisions of the "Administrative Review Act" approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Commission rendered pursuant to this Section.

2.08 Political Activities

With the exception of the Sheriff, other than the Sheriff acting in his or her official position of employment, no employee of the Lake County Sheriff's Department may engage in any of the following activities, to wit:

a. To petition for or against political candidate or to petition for or against any question of public policy or referendum question while at work or while on duty.

b. To make public speeches concerning any political candidate while at work or while on duty.

c. To make public speeches concerning any question of public policy or referenda questions while at work or while on duty.

d. To distribute political literature while at work or while on duty.

e. To make campaign contributions while at work or while on duty.

f. To seek and/or campaign for public office while at work or while on duty.

g. To post, distribute or display any campaign signs, posters, placards, buttons, or stickers while at work or while on duty.

h. To use any of the Lake County Sheriff's Department equipment, including, but not limited to squad cars, computer, documents, or records which are privileged, confidential, or which would be exempt from disclosure under the Illinois Freedom of Information Act (5 ILCS 140/1, et seq), on behalf of any political candidate, question of public policy or referenda question.

i. To sell or distribute tickets for any political candidate while at work or while on duty.

j. To coerce or inhibit or attempt to coerce or inhibit, using his or her official position of employment, either directly or indirectly, another employee of the Lake County Sheriff's Department or member of the public, to do any of the prohibited acts listed in subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) of this rule.

k. With the exception of the Sheriff's appointed staff (defined infra), to engage in any of the activities listed in subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) while in a Department uniform or any part of a uniform which would identify the employee as an employee of the Lake County Sheriff's Office, whether engaged in such activities on or off duty.

The Sheriff's appointed staff is defined, for the purposes of this rule only, as (1) the Undersheriff, (2) Chief of Operations, (3) Chief of Administration, (4) Deputy Chief of Investigations, (5) Deputy Chief of Highway Patrol and (6) Deputy Chief of Court Security. (Amended 4-16-97) (Amended 12-16-10)

2.09 Chief Deputy

The elected County Sheriff, after being duly sworn into office, may at his discretion appoint a "Chief Deputy" or "Chief Deputies" who shall be vested with all authorities granted to Deputy Sheriffs pursuant to Section 3-6015 of the Sheriff's Act (55 ILCS 5/3-6015), amended January 1, 1990. (Amended 12-16-10).

"Chief Deputy" or "Chief Deputies" as used in this Section include the personal assistant or assistants of the Sheriff whether titled "Chief Deputy," "Undersheriff," or "Administrative Assistant," provided the County Board, by Resolution, has exempted such appointment from Commission coverage.

Such appointees must be a citizen of the United States, not less than twenty-one (21) years of age, a resident of the State of Illinois not less than twelve (12) continuous months immediately before the appointment, and have no felonious record. He shall execute a good and sufficient bond, payable to the People of the State of Illinois, in the penal sum of Ten Thousand Dollars ($10,000) conditioned upon the faithful performance of his duties.

If the Chief Deputy appointed wishes to become a candidate for a political office of his choice, he must take a leave of absence without pay from the Sheriff's Office on the date of his filing for political office to the day after the election for the office for which he has filed.

The Chief Deputy appointed shall only be governed by Section 2.09 of Article II of the Rules and Regulations of the Commission. He shall, however, be subject to any formal request to testify at any hearing instituted by the Commission.

2.10 Reports Made to the Commission

The Sheriff shall promptly notify the Commission of all appointments, permanent or temporary, all promotions, suspensions, resignations or vacancies from any cause, and a record of the same shall be kept by the Commission. The Sheriff shall prepare and furnish to the Commission annual performance and leadership evaluations as provided in Section 2.04 of this Article, for each person covered by the merit system. The Sheriff shall also furnish the Commission copies of all letters of commendation, academic achievements, and reprimand and such other reports as the Commission may reasonably request.

2.11 Enforcement of Orders

If any provision of these Rules or any order of the Commission is violated by any person, regardless of whether that person's employment is under the jurisdiction of the Sheriff's Merit System Law (55 ILCS 5/3-8001 et seq.), the Commission may apply to the circuit court for an injunction, a writ of mandamus or any other proper relief. The Lake County State's Attorney shall prosecute such action. If the Lake County State's Attorney shall refuse to prosecute the action or shall fail to begin to prosecute such action within 30 days after the date the Commission brings the matter to his attention, the Commission may retain special counsel of its own choice to prosecute such action. (Amended 12-16-10).

## ARTICLE III

## ADMINISTRATIVE MATTERS

3.01 Office and Employees

The Commission shall appoint its Staff Assistant(s) and shall maintain an office in Waukegan, Illinois where such Staff Assistant(s) as it requires shall function and where its files and records shall be kept.

3.02 Confidential Matter

The files of the Commission relating to all Deputy Sheriff applications and personnel of the Sheriff's Office shall be confidential except as provided by law. (Amended 4-16-97) (Amended 12-16-10).

3.03 Regular Meetings

Regular meetings of the Commission shall be held at its office in Waukegan, Illinois, another Lake County government facility, or other location selected by the Commission. There will be a minimum of four (4) meetings a year. Commission meetings shall be conducted under Robert's Rules of Order and in compliance with the Open Meetings Act of the State of Illinois. (Amended 12-16-10).

3.04 Special Meetings

Notice and Agenda of Special Meetings specifying the time and place of such Special Meeting shall be given by the Chairman to each of the Commission members and posted and published in compliance with the Open Meetings Act of the State of Illinois. (Amended 4-16-97)

3.05 Conference

A conference may be called by the Commission at any time and request any member of the Sheriff's office to attend, with five (5) days notice sent by letter to the Sheriff and to the Deputy Sheriff.

3.06 Voting

On all matters, the concurrence of at least three (3) members of the Commission shall be necessary for a decision and the action of such a majority shall be the act of the Commission.

When only four Commission members are appointed to the Commission, on all matters when four (4) members of the Commission are in attendance a majority vote shall be three (3); when a quorum is in attendance, a majority vote shall be two (2), and the action of such a majority shall be the act of the Commission.

3.07 Quorum

At all meetings, three (3) members of the five (5) member Commission shall constitute a quorum and shall conduct any and all business of the Commission.

3.08 Change in Procedures, Rules and Regulations

The Commission may at any meeting, regular or special, amend, adopt, or rescind any procedure, rules and regulations. (Amended 4-16-97)

3.09 Officers of the Commission

The Commission shall elect as officers a Chairman, Vice-Chairman, and Secretary.

The Chairman shall preside at all meetings and shall perform all duties required of him by these rules and regulations.

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

The Secretary shall oversee the keeping of the minutes and records of the Commission. Specific tasks related to these activities may be delegated to the Staff Assistant(s). (Amended 12-16-10).

The term of office of the Chairman, Vice-Chairman, and Secretary shall be two (2) years or until his/her term of office as a member of the Commission shall expire, whichever period is shorter.

3.10 Minutes and Records

The Commission shall:

a. Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential, except as required by law or court order. (Amended 12-16-10).

b. Keep and maintain the minutes of all meetings and report the decision rendered to appropriate parties.

c. Cause to be compiled a transcript of all disciplinary proceedings when appropriate.

d. Keep and maintain all other records and files necessary for the proper administration and operation of the Commission's business. (Amended 4-16-97)

3.11 Public Comment at Regular and Special Meetings

a. Any individual or any spokesperson(s) for a group shall be permitted time to address the Commission on matters before them at any given meeting. Such matters are those that appear on the agenda of a regularly scheduled meeting, matters added to the agenda of a regularly scheduled meeting, or the subject of a special meeting.

b. Public Comment shall be limited to five minutes per individual or spokesperson, or otherwise at the discretion of the Chair. For items on the agenda, comments may be made at the time the beginning of the meeting.

c. Individuals will also be permitted to address the Commission on topics not on the agenda but which are relevant to the business of the Commission. Individuals will be recognized by the Chair during the Public Comment period at the end of the meeting and limited to a reasonable amount of time per person. The Chair may also impose a reasonable limit on the total time allotted to a particular topic and may further limit or preclude comment which is repetitive, cumulative, or irrelevant.

c. All individuals wanting to speak must sign the public sign-in sheet when entering the meeting room. The opportunity to speak during the Public Comment period will be assigned in the order of signing in.

d. No individual will be permitted to give comments that promote a candidate for public office or that are otherwise political in nature. Persons addressing the Commission shall refrain from statements, remarks, or conduct that is uncivil, rude, profane, or otherwise disruptive to the conduct of the Commission. Any person making any of these prohibited remarks shall be asked to leave and may be restricted from future meetings of the Commission. (Amended 2/17/11)

## ARTICLE IV

## DISCIPLINARY MEASURES

4.01 By the Sheriff

The Sheriff, without filing charges with the Commission, may suspend for any reasonable period not to exceed a cumulative total of thirty (30) days in any twelve (12) month period, any certified person of the Sheriff's Office for infractions of these rules and regulations or the departmental rules of the Sheriff's Office. (Amended 2-24-93)

The Sheriff may suspend any such certified person for a period in addition to the above limited thirty (30) days, provided charges 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. (Amended 2-24-93)

The Sheriff, without filing charges with the Commission, may reprimand any offending person orally or in writing for infractions of these rules and regulations or the departmental rules of the Sheriff's Office. (Amended 1-20-11)

No other disciplinary measures shall be taken by the Sheriff except by order of the Commission.

4.02 By the Commission

The Commission upon written charges filed by the Sheriff, as provided for by Section 2.07 of Article II, shall conduct a hearing as prescribed by these rules and regulations. If the Commission makes a finding of guilty, it may order any of the following disciplinary measures which in the opinion of the Commission the offense merits:

a. Discharge and removal from the Sheriff's Office.

b. Demotion.

c. Loss of seniority.

d. Suspension, without pay, for a period not to exceed a total of one hundred-eighty (180) days in any twelve (12) month period.

d. Any other disciplinary punishment so may be proscribed by the Rules and Regulations of the Commission, which in the opinion of the members thereof, the offense justifies.

4.03 Conference

The Commission may on its motion hold a conference on any matter deemed to be of vital nature to the overall principles of merit employment, provided however, that said conference must be preceded by a five (5) day notice in writing to any person required to attend, which notice will state the time and place thereof. A copy of said notice must also be sent to the Sheriff five (5) days in advance.

4.04 (Deleted July 17, 2014)

## ARTICLE V

## RANKS

5.01 Ranks

For the purpose of the administration and operation of the merit system of the Lake County Sheriff's Department, the ranks in the Sheriff's Office shall be:

Lieutenant
Sergeant
Deputy Sheriff

(Amended 2-20-87) (Amended 3-16-87 nunc pro tunc to 2-20-87)
(Amended 4-16-97)

5.02 Positions and Assignments

The ranks of Undersheriff and Deputy Chief are considered appointments and as such may be filled by the Sheriff at his discretion, provided the Lake County Board, by Resolution, has exempted these appointments from Commission coverage. (Amended 2-24-93)

The ranks of Deputy Chief of Investigations and Deputy Chief of Court Security are considered appointments and as such, may be filled by the Sheriff at his discretion. (Amended 2-24-93) (Amended 12-16-10)When any such appointment to any of the above positions and/or assignments is made, such an

individual reverts back to his former position and rank upon termination of his appointment/assignment. (Amended 2-24-93).

## ARTICLE VI
## APPOINTMENT TO SHERIFF'S OFFICE

6.01 Standards for Entry Level Appointment

Applicants for appointment as a Deputy Sheriff, in addition to the provisions of State Statute, must: (Amended 2-24-93)

a. Be no younger than twenty-one (21) years of age at the time of the Orientation in the application process. (Amended 5-17-95). (Amended 11-15-00). (Amended 8-21-14)

b. (Deleted April 21, 1986).

c. An individual currently on active duty in the United States military who is within six months of discharge and otherwise qualified may apply for appointment, provided however, that such an individual shall not be appointed if that individual receives a dishonorable discharge upon separation from the military. (Amended 9-12-96) (Amended 4-16-97) (Amended 12-16-10)

d. (Deleted September 12, 1996)

e. Meet such standards of intelligence, reasoning, and judgment as the Commission may from time to time prescribe.

f. (Deleted January 13, 1992)

g. Pass such valid screening examinations as the Commission may from time to time prescribe, including, but not limited to, a physical agility, reach, and strength examination; written examination; an oral interview; and attend an Orientation to be conducted prior to the physical agility, reach, and strength examination. (Amended 12-16-10) (Amended 07-17-14)

h. Possess a valid driver's license. (Amended 5-20-92)

i. Be acceptable to the Commission following investigation made by the Commission of background reputation and character. The Commission at its will may hire an investigator and this shall be provided for in the annual budget.

j. Be acceptable to the Commission on valid oral interview.

k. Be a citizen of the United States at the time of the Orientation in the application process. (Amended 8-21-14)

6.02 Veterans Preference for Promotion

Those applicants for promotion within the Sheriff's office who have previously received an honorable discharge from a branch of the armed forces of the United States may file with the application for promotion, a sworn or certified copy of their certificate of honorable service and a copy of form DD214, or of such other evidence as they may have of an honorable discharge from such services of the United States. Said applicants shall be eligible to receive three (3) veterans points. (Amended 12-16-10)

Said veteran's points may be taken into accountability for any promotional examination; the veteran's points can be used only once and it shall be the responsibility of the applicant to notify the Commission in advance when said applicant intends to use said veteran's points. (Amended 12-16-10)

6.03 Certification for Appointment

After conditional certification has been determined, applicants will complete mental and other screening examinations, and the background investigations to fulfill the prescribed requisites for final certification for appointment. (Amended 12-16-10)

6.04 Eligibility List - Entry

Thereafter, upon receiving notice from the Sheriff that a vacancy, or vacancies, exist, the Commission shall certify for appointment those applicants deemed by the Commission to be qualified. Each successful candidate's name shall be placed on the eligibility list for appointment in alphabetical order according to the Policies and Procedures Manual of the Commission. (Amended 12-16-10)

The Sheriff shall make appointments from those persons certified by the Commission as qualified for appointment. If the Sheriff rejects any person so certified, the Sheriff shall notify the Commission in writing of such rejection.

6.05 Probationary Period

All initial appointees shall serve a probationary period of twelve (12) months during which time they may be discharged at the will of the Sheriff. (Amended 12-17-97) (Amended 4-20-98)

6.06 (Deleted April 18, 2002)

6.07 Transfer Guidelines for Supplemental Transfer Candidates

The Orientation; the physical agility, reach, and strength examination; and the written test shall be waived for transfer applicants who:
(Amended 12-16-10) (Amended 8-21-14)

a. are currently employed as a Deputy Sheriff or Municipal Police Officer; and,

b. are in good standing in their department as of the date of certification by the Merit Commission; and, (Amended 8-21-14)

c. have two years of full-time, continuous experience with the same law enforcement agency where currently employed, the definition of which includes, but is not limited to, authority to make arrest and carry firearms; and, (Amended 8-21-14)

d. have successfully completed Illinois Basic Police Officer Training, or successfully completed Basic Police Officer Training Program which can be transferred and accepted by the Illinois State Training Board; and,

e. complete a Supplemental Transfer Application in addition to the Merit Commission's regular application.

Once these requirements are waived, all other standards for appointment delineated in 6.01 of the Merit Commission Rules shall apply and the procedures shall be as follows:

a. Transfer Applicants must complete an application and pass an oral interview by the Commission. Any applicants rejected will be so notified by the Commission.

b. After the interview, applicants must undergo a background investigation. Any candidates not passing this screening will be contacted by the Merit Commission. Those who do pass will be conditionally certified.

c. The Commission will require transfer applicants who have been conditionally certified to undergo further appropriate screening examinations. The Commission will evaluate results of these screening examinations. Those who are rejected by the Commission will be so notified. Those applicants who are deemed qualified by the Commission shall be certified for appointment. (Amended December 16, 1999) (Amended August 24, 2000)

6.08 Certified List of Candidates

All candidates who receive final certification from the Commission will be placed on a Certified List which will be transmitted to the Lake County Sheriff. Each individual will be a valid candidate on the Certified List for two (2) calendar years from the date of his/her original certification. The Commission may extend the period of eligibility for one (1) additional calendar year. This includes both entry level and supplemental transfer candidates. (Amended 4-18-02) (Amended 12-16-10)

6.09 Reapplication

For those regular and transfer program applicants who were not certified by the Commission and who reapply to the Commission within twelve months (inclusive of the twelfth month) of the date of the original non-certification notification, the applicant must repeat all of the original certification requirements but will be afforded a psychological evaluation with a different psychologist/psychiatrist than the individual who performed the psychological evaluation during the original Commission evaluation procedures.

For those regular and transfer program applicants who have been certified by the Commission but not hired by the Sheriff and who reapply to the Commission within twelve months (inclusive of the twelfth month) from the date of the previous Commission certification notification at a time when the Commission has exhausted its two-year list and is accepting applications and retesting, the applicants will be required to repeat all of the original certification requirements except for the psychological evaluation.

For those regular and transfer program applicants who reapply more than twelve months after the previous application certification or non-certification notification date, at a time when the Commission has depleted its two-year list and is accepting applications and retesting, the applicants must repeat all of the certification procedure requirements.

## ARTICLE VII

## PROMOTIONS

7.01 Eligibility - All Ranks

To be eligible for promotion, a person:

a. Must have taken the promotional examination offered by the Commission. (Amended 4-16-97)

b. At the time of notification of the holding of an examination for promotion, must not be in any of the following categories.

(1) Under suspension by order of the Commission.

(2) On leave of absence for fifteen (15) or more days, however, this 15 day leave of absence limitation shall not apply to an otherwise eligible person who is on leave of absence due to active military service, or appointment as Chief Deputy, Undersheriff, or Administrative Aide. (Amended 11-21-88)

(3) (Deleted September 12, 1996)

7.02 Eligibility - To Deputy Sheriff

To be eligible for promotion to the rank of Deputy Sheriff a person must, in addition to the requirements in Section 7.01 of this Article, have been awarded a certificate by the Illinois Law Enforcement Training and Standards Board certifying that all of the requirements as prescribed by the Illinois Police Training Act, 50 ILCS 705/1 et seq., have been fulfilled by said individual and in addition, shall have successfully completed all phases of Field Officers Training, and shall have successfully served and completed a probationary period of 12 months as a Deputy Sheriff. (Amended 9-21-94)

7.03 (Deleted April 16, 1997)

7.04 Eligibility - To Sergeant

To be eligible for promotion to the rank of Sergeant a person must, in addition to the requirements in 7.01 of this Article, have served as a Deputy Sheriff (Grade 1) in the Sheriff's Office for at least four (4) years continuously, prior to the time of notification of the holding of an examination for promotion to Sergeant. Persons so appointed shall be on probation in such higher rank for a period of 12 months. (Amended 4-16-97) (Amended 4-20-98)

7.05 Eligibility - To Lieutenant

To be eligible for promotion to the rank of Lieutenant a person must, in addition to the requirements of 7.01 of this Article, have served as a Sergeant in the Sheriff's Office for at least two (2) years prior to the notification of the holding of an examination for promotion. Persons so appointed shall be on probation in such higher rank for a period of 12 months. (Amended 4-20-98)

7.06 (Deleted April 16, 1997)

7.07 Examination

Original entry and promotional examinations shall be given by the Commission not less frequently than every two (2) years, unless, the Commission extends that list for an additional one (1) year period. (Amended 9-22-93)

7.08 Compiling Grades

The following method will be used to compile grades on the promotional examination: (Amended September 12, 1996)

a. The promotional examination process will be comprised of four (4) components:

1. A written examination.

2. An oral interview of candidates.

3. Performance Evaluations as prepared and forwarded to the Commission by October 1 of each year, as provided in Section 2.03 of Article II of the Rules and Regulations, for the two (2) years immediately preceding the examination process.

4. Leadership evaluation as prepared and forwarded to the Commission by October 1 of each year, as provided in Section 2.03 of Article II of the Rules and Regulations for the two (2) years. (Amended 12-16-10)

b. The weighing of the above components shall be as follows:

1. Written Examination – 40%
(Amended September 12, 1996) (Amended October 23, 1997)

2. Performance Appraisals – 30%

3. Oral interview of candidate – 20%

4. Leadership Assessment – 10%

c. (Deleted September 12, 1996)

d. All candidates shall then have their seniority points for years of continued and uninterrupted service with the Lake County Sheriff's Office as a Deputy Sheriff (Grade 1), added for the purpose of determining ranking within the passing score category, with the seniority points calculated as follows: (Amended September 12, 1996)

| | |
|---|---|
| 5 through 7 years | 1 point |
| 8 through 10 years | 2 points |
| 11 through 12 years | 3 points |
| 13 through 14 years | 4 points |
| 15 years and over | 5 points |

e. Veteran's points, if the candidate declares them prior to testing, shall also be added for the purpose of determining ranking within the passing score category, with the veteran's points calculated as follows:

1. Veteran's points may be used only one time by employee = 3 points.

(Amended 4-5-88)

7.09 Certification for Promotion

a. The Commission shall notify those who have participated in the promotional process of their total score computed in accordance with the above formula and of their numerical rank among those who took the examination. (Amended 4-5-88)

b. For every vacancy of which it is notified, the Commission shall certify to the Sheriff the names of the eligible persons who stand first, second, and third highest upon the promotional register for the rank for which they are competing. (Amended 4-5-88)

c. The Sheriff shall appoint from those who names were certified. If the Sheriff rejects all persons so certified, he shall state his reasons for such refusal in writing to the Commission. The Commission shall then provide the Sheriff with the next three highest names on the eligibility list, and so forth.

d. The Commission may certify for promotion more candidates than there are vacancies then existing in the given rank, but this certification does not constitute any promotion or change in rank until a vacancy exists within a given rank.

7.10 Duration of Certified Promotional List

A list certified to the Sheriff, shall remain in force for two (2) years from the date of certification. The list may be extended as provided in Section 7.07 of this article. (Amended 8-18-93)

7.11 Probationary Period

Persons appointed to a higher rank shall be on probation in such higher rank for a period of twelve (12) months. Such appointees may 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.

## ARTICLE VIII

## LEAVES OF ABSENCE

8.01 Leave of Absence With Pay

Any certified person may be allowed a leave of absence with pay by the Sheriff. (Amended 10-20-93)

8.02 Leave of Absence Without Pay

Any certified person in the Sheriff's Office may be allowed a leave without pay. Application for leave in excess of one (1) month shall be filed first with the Sheriff. Any certified person may be allowed a leave of absence without pay for a period not to exceed one (1) year, except as provided in Section 8.03. Such a leave is subject to the approval of the Sheriff and the Commission. (Amended 10-20-93)

Leave of absence without pay may be granted for:

a. Maternity leave.
b. Medical leave.
c. Military leave.
d. To become a candidate for any political office in a primary or general election.
e. To accept appointment as Chief Deputy, Undersheriff or Administrative Aide, provided that the individual receiving such appointment shall agree to continue to be governed by the provisions of Section 2.08 of Article II relating to political activities.
f. For other duties and assignments in the Sheriff's Office requested by the sheriff, approved by the Commission and not contrary to County Ordinance.
g. Other reasons acceptable to the Sheriff and the Commission and not contrary to County policy.

8.03 Leave of Absence - Rules Governing

All leaves of absence, except for United States military service, or to accept the position of Chief Deputy, Undersheriff or Administrative Aide, shall be for one (1) year or less, with the privilege of obtaining a new leave at the expiration of the first. Leaves of absence shall be granted by the Sheriff with the approval of the Commission, acting through its Chairman.

A person on leave of absence who accepts a position other than that for which the leave is granted, without the written approval of the Sheriff and the Commission shall be deemed to have resigned. A person who fails to return to his position following the granted leave, or to request and be granted a new leave of absence on or before the expiration of his first leave, shall be deemed to have resigned. Any person on leave of absence will retain no official capacity in the Sheriff's Office and must surrender all credentials and county property.

8.04 Restoration to Position

A properly executed leave of absence without pay shall accord the employee the right to be returned to his position or one of the like nature on the expiration thereof or sooner if agreeable with the Sheriff, except when the position may have been abolished through reorganization of the Sheriff's Office with the approval of the Commission. The certified person so affected shall be given consideration for any other position of similar grade or class which, in the opinion of the Sheriff, does not require qualifications substantially higher than or different from those of the position previously held. (Amended 2-24-93)

If it is found necessary to fill the position during the interim, the new employee shall vacate the position upon the return of the absent employee. Such a leave without pay shall not operate to interrupt the seniority or salary advancement consideration or cancel the accumulated sick leave of the absent employee. Holidays or non-working days immediately preceding the employee's return to duty shall be counted as part of such an absence.

8.05 Absence Without Leave

Any absence of a certified person that is not authorized under these rules shall be considered as an absence without leave. Such an absence may be considered as a resignation or may be grounds for disciplinary action. Any certified person who is separated from the Sheriff's Office on the basis of an absence without leave may thereby be deemed to have forfeited his reinstatement eligibility. (Amended 2-24-93)

8.06 Expiration or Termination of a Leave of Absence

The Sheriff may terminate any leave of absence by written notice to the certified person concerned, and to the Commission whenever the conditions or reasons justifying the leave no longer exist, unless upon appeal of the certified person to the Commission it is found that the termination is not justified. Upon the termination or expiration of the leave, the certified person shall return to duty forthwith. (Amended 2-24-93)

## ARTICLE IX

## RESIGNATIONS AND REINSTATEMENTS

9.01 Resignation in Good Standing

In order to resign in good standing, a permanent or probationary employee shall submit a written notice to the Sheriff at least fourteen (14) days in advance, unless the latter agrees to shorter notice. The Sheriff shall forward this notice to the Commission for inclusion in the employee's personnel file. Such certified person's failure to give the prescribed minimum advance written notice may result in forfeiture of future employment rights. Resignation severs all seniority and employment rights. (Amended 2-24-93)

9.02 Reinstatement

Any certified person who resigns from the Sheriff's Office in good standing may be re-employed. (Amended 2-24-93)

## ARTICLE X

## DISCIPLINARY PROCEDURES

10.01 Complaints

All complaints shall be in writing executed in quintuplicate, setting forth a plain and concise statement of the facts upon which the complaint is based and the specific section or sections of these rules and regulations or the internal procedures of the Sheriff's Office which the accused person is charged with violating.

10.02 Notification

On receipt of charges, the Commission will send a letter, allowing for not less than fourteen (14) days notification, to the accused person enclosing a copy of the charges. The letter shall set forth the time and place of hearing of the charges. The letter shall be sent by registered or by certified mail, return receipt requested, at the residence address of the person shown on the face of the charges. Delivery of the letter to his residence, as shown by the return receipt, shall constitute service of the charges on the accused person.

A copy of the letter shall be simultaneously mailed to the Sheriff and shall constitute notice to him of the time and place of the hearing on the charges. (Amended 4-16-97)

10.03 Hearings

All hearings shall be public unless otherwise determined by the Commission.

At such hearing, the accused certified person shall be afforded full opportunity to be represented by counsel, to be heard in his own defense. Both the Commission and the Sheriff may be represented by counsel. The State's Attorney of Lake County may advise either the Commission or the Sheriff. The other party may engage private counsel to advise it. (Amended 2-24-93)

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.

All proceedings before the Commission during the hearing shall 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 by any party interested in the hearing. The cost of the transcript shall be borne by the person requesting same.

The Commission will first hear the witnesses seeking to substantiate the charges which have been made. Thereafter, the accused person or his attorney 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. The Commission shall have the right to examine and to recall witnesses.

10.04 Decision on Charges

If the charges against an accused person are established by the preponderance of evidence, the Commission shall make a finding of guilty and order either removal, demotion, loss of seniority, suspension for a period of not more than 180 days, or such other disciplinary punishment as the Commission which, in the opinion of the members thereof, the offense justifies. If the charges against an accused person are not established by the preponderance of evidence, the Commission shall make a finding of not guilty and shall order that the person be reinstated and be paid his compensation for the suspension period, if any, while awaiting the hearing. The Sheriff shall take such action as may be ordered by the Commission.

The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Commission rendered pursuant to this Section.

10.05 Subpoena

The Sheriff and the accused person, 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 the documents and things sought. The requested subpoena will be issued after valid consideration.

Subpoena issued by the Commission, or by any member thereof, may be served by any adult person designated by the party requesting the subpoena.

Any request for continuance by reason of inability to serve a subpoena shall be filed in the office of the Commission at least five (5) days before the date set for such hearing.

10.06 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.

10.07 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.

10.08 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.

10.09 Filing of Papers

All papers may be filed with the Commission by mailing them to the Lake County Sheriff's Merit Commission, County Administration Building in Waukegan, Illinois. All papers may also be filed by delivering the same to the Commission's Office in Waukegan, Illinois, during its regular office hours, personally or by messenger. For the purposes of these rules and regulations, the filing date of any paper shall be the date it was received in the Commission's office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date such paper is received in the Commission office.

10.10 Form of Papers

All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.

All papers shall be not larger than 8 1/2 inches wide by 11 inches long and shall have inside margins of not less than one (1) inch.

The original of all papers filed shall be signed in ink by the party filing the paper ` or by his counsel.

If papers are filed by an attorney, his name, telephone number, and address shall appear thereon.

10.11 Continuance of Hearing

No hearing shall be continued at the request of any of the parties thereto or their counsel, unless such request is made orally during the course of such proceedings of this Commission or in writing at the Commission's office in Waukegan, Illinois, and a copy of said request mailed to the opposing party or his attorney, at least five (5) days before the date for which the hearing is scheduled.

10.12 Uniform, Equal and Consistent Enforcement

In any proceeding initiated before the Commission by the Sheriff of Lake County involving a violation of Article II, Section 2.08 or its successor rule or amendments thereto, and/or any of the Commission's other rules, regulations or procedures or their respective successors, the Commission must insure by inquiring of the Sheriff of Lake County, any witnesses testifying before it and/or witnesses called before it on its own request and subpoena, whether Article II, Section 2.08, or any other rule, regulation or procedure under which the sheriff initiates a complaint before the Commission, is being uniformly and consistently used, applied and enforced. Whether or not the Commission, by a vote of at least three of the Merit Commissioners, decides that its rule on political activities is being used by the Sheriff of Lake County "selectively" and/or for political gain or purpose, and/or that, by vote of at least three of the Commissioners, determines that other personnel subject to the jurisdiction of the Commission has committed acts violating its rule against political activity that have not been brought before it

in a complaint filed by the Sheriff of Lake County, and/or that the rule, regulation or procedure under which the Sheriff initiates a complaint against a Deputy Sheriff is not being carried out, applied and enforced uniformly, equally and consistently, the Commission must prepare a Report of Proceedings within fourteen (14) days of its determination.

10.13 Report of Proceedings

The Report of Proceedings shall state in what manner the Sheriff has not applied, enforced or uniformly carried out the specific rule, regulation or procedure under which the Sheriff has initiated a complaint against the individual(s) before the Commission. Said report will also contain the decision of the Commission on the complaint initiated by the Sheriff and the reasons therefore.

The Report of Proceedings shall be given to the Deputy Sheriff against whom the Sheriff has initiated charges. As provided in the Agreement attached to the Consent Decree entered into between certain deputies and the Sheriff in United States District Court, case No. 80 C 6906, said Deputy Sheriff shall decide whether or not to proceed with the Report of Proceedings of the Commission, before an arbitrator pursuant to the Voluntary Labor Arbitration Rules of the American Arbitration Association, or whether to proceed to the Circuit Court of Lake County, Illinois. The Deputy may proceed with arbitration as stated, but cannot go before the grievance committee subsequent to a Commission finding. Any election to appeal the Commission's findings in the Circuit Court of Lake County precludes the Deputy Sheriff from going before an arbitrator. Further, this election of "appellate" remedies is only available to the Deputy Sheriff who is the subject of the Sheriff's complaint.

## ARTICLE XI

## RULES AND REGULATIONS FOR THE CONDUCT OF MEMBERS OF THE SHERIFF'S OFFICE

11.01 Causes for Disciplinary Action

Any certified person of the Lake County Sheriff's Department who shall violate any rule, regulation, or general order of the Lake County Sheriff may be subject to disciplinary action by the Lake County Sheriff's Merit Commission in accordance with the "Sheriffs Merit System Law", 55 ILCS 5/3-8001 et. seq. (Amended 12-22-93)

## ARTICLE XII

## TRANSFERS

12.01 A Deputy Sheriff, may, at the discretion of the Sheriff, be placed for any duty and assignment which requires placement of a Deputy Sheriff. Once the Deputy Sheriff has satisfied the required twelve (12) month probationary period as provided for in Articles II and VI herein, he shall not have to serve any further probationary period for placement as provided for in this Article. (Amended 2-24-93) (Amended 4-16-97)

12.02 Upon qualification by the Merit Commission as provided in Section 12.01 therein, the Sheriff may, without regard to any eligibility list of certified candidates, transfer a Deputy Sheriff to a position for which he has so qualified, provided that any such transfer complies with the County's pay plan. (Amended 2-24-93)