

DU PAGE COUNTY SHERIFF'S MERIT COMMISSION

TONY REYES, CHAIRMAN

FRANK L. SOMMARIO, VICE CHAIRMAN

CAROLE VASBINDER, SECRETARY

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RULES, REGULATIONS AND PROCEDURES

As Revised through August 20, 2020

Pursuant to its responsibility for the administration and operation of a merit system for all Deputy Sheriffs of the DuPage County Sheriff's Office, the DuPage County Sheriff's Merit Commission (hereinafter referred to as the "Commission") adopts the following Rules, Regulations, and Procedures.

ARTICLE I

ADMINISTRATION

- A. **ORGANIZATION OF THE COMMISSION.** The Commission shall be known and referred to as the "DuPage County Sheriff's Merit Commission." The officers of the Commission shall be: Chairman, Vice-Chairman and Secretary. All officers shall be elected by a simple majority vote of the Commission. The term of office of said officers shall be two (2) years or until the term of office as a member of the Commission shall expire, whichever period is shorter. The Chairman shall preside at all meetings and shall perform all duties required of him by these Rules, Regulations and Procedures. The Vice-Chairman shall preside at meetings in the absence or disability of the Chairman. The Secretary shall keep the minutes as records of the Commission.
- B. **OFFICE AND STAFF.** The Commission shall maintain an office in Wheaton, Illinois, where its staff assistants and clerks shall function and where its files and records shall be maintained, said office space to be provided by the County Board which meets the reasonable and necessary needs of the Commission.
- C. **MEETINGS.** Regular meetings of the Commission shall be designated at the beginning of each calendar year. Special meetings may be called when needed by the Chairman or upon the call of two (2) members of the Commission. The Chairman must notify each of the Commission members specifying the time and place of such meetings at least three (3) days prior to the meeting. Commission meetings shall be conducted under Roberts Rules of Order and in accordance with the Illinois Open Meetings Act.

- D. QUORUM. At meetings, two (2) members of the Commission shall normally constitute a quorum and shall conduct the business of the Commission. However, when changes in the Rules, Regulations, and Procedures of the Commission are to be considered, all three (3) must be notified and in attendance or have an opportunity to let their views be known in writing. Alternatively, the Commissioners may conduct meetings by telephone in accordance with the resolution outlining procedures for same.
- E. VOTING. On all matters brought before the Commission, the concurrence of at least two (2) members of the Commission shall be necessary for a decision and the action of such a majority shall be the act of the Commission, provided that to change the Rules, Regulations and Procedures of the Commission, all three (3) must be notified and in attendance or have had the opportunity to let their views be known, in writing.
- F. MINUTES AND RECORDS. The Commission shall:
1. Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential.
 2. Keep and maintain the minutes of all meetings and report the decision rendered to appropriate parties.
 3. Carefully compile and maintain a record of all disciplinary proceedings, such record to consist of a written transcription of the proceedings, all items introduced into evidence thereat, all written orders and findings of the Commission with respect thereto, and such other items as the Commission shall order placed of record. All objects, documents, and other physical evidence entered into record, unless the party is granted leave to withdraw them by the Commission pursuant to motion brought before the conclusion of the proceedings, shall become property of the Commission. Under no circumstances shall any party or other person be entitled to any kind of payment or compensation from the Commission for any objects, documents, and other physical evidence as a result of their entry into the record. The Commission may allow photographs, copies, or other reproductions to be substituted for original objects, documents, and other physical evidence entered into record upon a determination by the Commission that the photograph, copy, or other reproduction accurately and completely depicts such original, or by stipulation to such by all parties and the parties' waiver of any and all claims, cause and causes of action relating to such substitution.
 - a. Upon the conclusion of a disciplinary proceeding before the Commission, the Secretary or other person under his or her direction and control shall prepare an inventory of the contents of the record and present such at the next regular meeting of the Commission, unless the Commission shall order otherwise. If the Commission shall approve such inventory, the Commission shall order the record sealed and not to be unsealed without further order of the Commission, except for the biennial review provided for paragraph b. The record shall be placed in a banker's box or other suitable container, which shall be sealed with tape and/or seals of a kind and bearing a

unique mark of the Commission as the Commission shall determine. The original written order sealing the record of the Commission shall be affixed conspicuously to the top of the box and a copy of the inventory placed within.

b. Every two years, on or about the date on which the record of a disciplinary proceeding was originally ordered sealed, the Secretary shall unseal the record, without the necessity of an order of the Commission, and examine the record as to its condition and as to whether all or any portion thereof needs to be retained. At the next regular meeting of the Commission, the Secretary shall report on the condition of the record and his or her recommendation as to the retention or disposal of all or any portion of it. The Commission shall review and take such action as it deems appropriate upon the Secretary's recommendation. If not all of the record is disposed of, the Secretary, in accordance with the Commission's actions, shall prepare a revised inventory, and the record shall be sealed as provided in paragraph a. No portion of the record of any disciplinary proceeding shall be disposed of until at least five (5) years after the employee who is the subject of such proceeding ceases to be an employee of the Sheriff. However, the original Findings and Adjudication and Disciplinary Orders or other final orders of such proceeding shall not be disposed of, but remain a permanent record of the Commission.

4. Keep and maintain all other records and files necessary for the proper administration and operation of the Commission's business including any information required for compliance with any reporting agencies, including the Sheriff and the County Board.

G. **CHANGES IN RULES, REGULATIONS AND PROCEDURES.** Any changes in these Rules, Regulations and Procedures shall be made only after such changes are considered at a meeting of the full Commission, and after the Sheriff's Office has been notified of the changes and has been afforded an opportunity to comment formally on such changes; and only after such changes have been approved by the Commission as prescribed in Section E of this Article. Upon the adoption of any changes in the Rules, Regulations and Procedures, the Commission shall provide a copy of such revisions to the Sheriff.

H. **INSPECTIONS.** The Commission may inspect and investigate those phases of the Sheriff's Office personnel management programs, which are within the purview of the Commission. The Commission shall report on its findings to the Sheriff in writing.

I. **NON-DISCLOSURE OF TESTING INFORMATION.** No applicant for appointment as a Deputy Sheriff or for promotion to the ranks of Lieutenant and Sergeant shall disclose or receive a disclosure of any information about the contents of any test or examination relative thereto, except as shall be provided by the Commission. Upon a sworn complaint filed with the Commission that an applicant has disclosed or received a disclosure of such information in violation of this section, the Commission shall hold a hearing in accordance with the applicable procedures of Article V, Section B, of these Rules. Upon the Commission's determination that there has been such disclosure or receipt of information, the Commission shall be authorized to void the test results of such applicants.

J. COMMISSION OFFICER AND EMPLOYEE ETHICS.

1. Definitions

For purposes of this Section J. the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Commission" means the DuPage County Sheriff's Department Merit Commission.

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Section J., does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Commission, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the DuPage County Sheriff's Department Merit Commission.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk or election authority under Sections 5/6A-4 and 5/9-3 of the Election Code (10 ILCS 5/6A-4 and 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk or election authority.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

2. Prohibited Political Activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Commission in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Subsection 2 prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Section J.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

3. Gift Ban

(a) Except as permitted by Paragraph (b) following, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Subsection 3.

(b) Exceptions. Paragraph (a) above is not applicable to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

(3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions.

(5) Travel expenses for a meeting to discuss business.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$25 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$25.

Each of the exceptions listed in this paragraph is mutually exclusive and independent of every other.

(c) Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

4. Penalties

(a) To the extent authorized by law, a person who intentionally violates any provision of Subsection 2 of this Section J. may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) To the extent authorized by law, a person who intentionally violates any provision of Subsection 3 of this Section J. is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) To the extent authorized by law, any person who intentionally makes a false report alleging a violation of any provision of this Section J. to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) To the extent authorized by law, a violation of Subsection 2 of this Section J shall be prosecuted as a criminal offense by an attorney for the Commission by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

(e) To the extent authorized by law, a violation of Subsection 3 of this Section J may be prosecuted as a quasi-criminal offense by an attorney for the Commission.

(f) In addition to any other penalty that may be applicable, whether criminal or civil, and officer or employee who intentionally violates any provision of Subsections 2 or 3 of this Section J. is subject to removal from office or discharge.

ARTICLE II

- A. RANKS. For the purpose of the administration and operation of the merit system of the DuPage County Sheriff's Office, the ranks in the Sheriff's Office shall be:

Lieutenant
Sergeant
Deputy Sheriff

- B. POSITIONS AND ASSIGNMENTS. The ranks of Lieutenant and Sergeant are considered positions rather than assignments. The position of Deputy Sheriff administratively assigned to Corrections and Deputy Sheriff administratively assigned to Law Enforcement are considered assignments rather than ranks. Those individuals currently ranked to Deputy Sheriff Patrol and Deputy Sheriff Corrections at the time and of the adoption of these amended Rules shall retain said rank. Persons meeting the requirements of the qualifications and appointment procedures stated elsewhere in these Rules, Regulations and Procedures can attain tenure in these positions. Any Deputy previously certified, in any classification, by the Commission at the time of the adoption of these amended Rules, Regulations, and Procedures shall be deemed a certified Deputy Sheriff.

The rank of Undersheriff and Administrative Assistant are considered appointments and as such may be filled by the Sheriff at his discretion, from inside or outside the ranks of tenured Deputy Sheriffs. When an appointment to the rank of Undersheriff or Administrative Assistant is made from the tenured ranks, such as an individual reverts back to the tenured position and rank upon termination of said assignment.

ARTICLE III

APPOINTMENT TO SHERIFF'S OFFICE

- A. ENTRY INTO MERIT SYSTEM. The rank of Deputy Sheriff is the sole entry point into the Sheriff's Office merit system.
- B. APPOINTMENT TO THE SHERIFF'S OFFICE. All applicants for appointment as Deputy Sheriff, in addition to meeting the standards prescribed by the Sheriff's Merit System Law, 55 ILCS 5/3-8001 *et seq.*, concerning Deputy Sheriffs, must meet the following to be placed on the candidate list in Section D. for such appointment:
1. Be no younger than 21 years of age at the time the application is received by the Commission.
 2. Be a citizen of the United States.
 3. Not have a conviction for a domestic violence offense nor, if having served in the military, have received a dishonorable discharge or (if an officer) dismissal (U.S. Army RE-4 separation code or equivalent).

4. Meet the following educational and/or educational and service requirements at the time of the taking of the entrance examination:
 - a. Have received an Associate or higher degree; or have completed at least sixty (60) semester hours (for appointment as a Deputy Sheriff assigned to the Law Enforcement Bureau) or at least thirty (30) semester hours (for appointment as a Deputy Sheriff assigned to the Corrections Bureau) at an accredited university, college, junior or community college or other institution of higher learning (but excluding a trade or vocational school); or
 - b. Be a high school graduate or have a General Educational Development certificate and, in addition to being a high school graduate or having a GED certificate, also have served in a branch of the United States military either on active duty or in the reserves, and if discharged, have received an honorable discharge; or
 - c. Be a high school graduate or have a General Educational Development certificate and, in addition to being a high school graduate or having a GED certificate, also have served as a full time sworn peace officer (within a police or sheriff's department in the United States for at least two [2] years) and have a letter of credible service; or
 - d. Possess any combination of the above qualifications, where in the discretion of the Commission; said applicant possesses the requirements for the position of Deputy Sheriff.
5. Be, or by the time of appointment become, a resident of the State of Illinois as a condition of appointment and maintain such residency as a condition of appointment pursuant to the General Order and Procedures of the Sheriff's Office.
6. Presently, or by the time of appointment, have been issued a valid Illinois Driver's License, which has not been suspended or revoked and maintain such as condition of appointment pursuant to the General Order and Procedures of the Sheriff's Office.
7. Meet mental and physical standards as prescribed by the Commission.
8. Meet skill needs and standards as prescribed by the Sheriff's Office (Job Description)
9. Successfully complete such screening examinations as required by the Commission.
10. Successfully pass a P.O.W.E.R. test and provide a P.O.W.E.R. card as required by the Commission for eligibility for appointment as a Deputy Sheriff assigned to the Law Enforcement Bureau, **or**, successfully pass a C.A.T. for eligibility for appointment as a Deputy Sheriff assigned to the Corrections Bureau. The P.O.W.E.R. test and/or C.A.T. requirement may be satisfied by presentation of a valid P.O.W.E.R. card evidencing the

passing of the P.O.W.E.R. test within the 12-month period immediately preceding the date of the applicable entrance examination.

11. Be acceptable to the Commission following an investigation of Pass a background, reputation and character examination conducted by the Sheriff's Office, or an agency or company licensed to conduct background investigations, as authorized by the Sheriff's Office.

12. Pass an oral interview by the Commission.

13. REQUIREMENTS FOR LATERAL TRANSFER APPLICANTS TO DEPUTY SHERIFF

a. Applicants seeking certification for appointment as a lateral transfer to deputy sheriff, in addition to meeting the standards prescribed by the Sheriff's Merit System Law, 55 ILCS 5/3-8001 *et seq.*, concerning Deputy Sheriffs, must meet the following to be placed on the candidate list for lateral transfer to deputy sheriff for such appointment:

i. Submit an application as prescribed by the DuPage County Sheriff's Merit Commission.

ii. Meet the requirements specified in Article III, Section B, Paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12 (The C.A.T. requirement can also be satisfied by presentation of evidence establishing the passing of a C.A.T. within the 12-month period immediately preceding the date of the application).

iii. Be currently employed as a Deputy Sheriff or Police and or Peace Officer in the State of Illinois, and have, immediately preceding the date of application, two years of full-time continuous experience with the same law enforcement agency where currently employed,

iv. Be in good standing with their department as of the date of application as well as the date of certification by the Commission.

v. For lateral transfer to deputy sheriff in law enforcement, have successfully completed the Illinois Basic Police Officer Training, have attended and successfully completed training in an Illinois Law Enforcement Academy and be currently certified by the State of Illinois as a Law Enforcement Officer and/or Peace Officer.

For lateral transfer to deputy sheriff in corrections, have successfully completed the Basic Corrections Academy Training and be currently certified by the State of Illinois as a Corrections Deputy and/or Corrections Officer.

Additionally, all applicants who are appointed from the candidate list in Section D., must successfully complete a one (1) year probationary period as a Deputy Sheriff during which time they are subject to discharge and termination by the Sheriff at will. All applicants who indicate having military service, upon being certified for placement on the candidate list in Section D., must submit their DD-214 discharge papers.

- C. HONORABLY DISCHARGED VETERAN'S PREFERENCE. Applications who meet all of the applicable qualifications in Section B, and who have served in the United States military actively for at least one (1) year and received an honorable discharge, shall be entitled to a preference of having five (5) positions added to their numeric ranking after successfully passing the entrance examination authorized by the Commission (for example, if the qualifying applicant passes the entrance examination, and, based upon the applicant's passing test score is ranked number 50, and that applicant claims the preference as required below, that applicant shall then be ranked 45). This preference shall not be available to an applicant who does not pass or successfully complete the entrance examination. The applicant shall still be required to meet all of the qualifications in Section B.

The Honorably Discharged Veteran's Preference shall be claimed by submission of the preference claim form in Appendix A, together with the proper proof of military service and honorable discharge. Such proof must include a copy of Military Form DD-214 (long form), evidence of the honorable discharge, and a sworn affidavit by the applicant as contained in the Preference Claim form. Applicants wishing an Honorably Discharged Veteran's Preference must submit the claim form and proof of service to the Commission before, or at the time of, taking the entrance examination. Failure to timely submit a proper claim form shall be deemed a waiver of the Honorably Discharged Veteran's Preference.

- C.1. CURRENT DUPAGE COUNTY DEPUTY SHERIFFS CORRECTIONS DEPUTY PREFERENCE FOR APPLICATION AS A LAW ENFORCEMENT DEPUTY. Applicants who are currently employed by the DuPage County Sheriff as a Corrections Deputy, who meet all of the applicable qualifications in Section B, and who are currently employed, and have been employed as a DuPage County Deputy Sheriff in the Corrections Bureau for at least one (1) year and are not under suspension at the time of the notification of holding the entrance examination, shall be entitled to a preference of having five (5) positions added to their numeric ranking after successfully passing the entrance examination authorized by the Commission (for example, if the qualifying applicant passes the entrance examination, and, based upon the applicant's passing test score is ranked number 50, and that applicant claims the preference as required below, that applicant shall then be ranked 45). This preference shall not be available to an applicant who does not pass or successfully complete the entrance examination. The applicant shall still be required to meet all of the qualifications in Section B.

The Current DuPage County Deputy Sheriffs Corrections Deputy Preference shall be claimed by submission of the Preference Claim form in Appendix B, together with the proper proof of current employment for the preceding one (1) year as a DuPage County Sheriff's Deputy in the Corrections Bureau. Such proof must include evidence of current employment for the past one (1) year as a DuPage County Sheriff's Deputy in the Corrections Bureau, and a sworn affidavit by the applicant that the applicant is not under suspension, as contained in the Preference Claim form. Applicants wishing a Current DuPage County Deputy Sheriffs Corrections Deputy Preference must submit the claim form and proof of service to the Commission before, or at the time of, taking the entrance examination. Failure to timely submit a proper claim form shall be

deemed a waiver of the Current DuPage County Deputy Sheriffs Corrections Deputy Preference.”

- D. **CANDIDATE LIST.** Candidates who are found by the Commission to be qualified shall be ranked and placed on a list for a period of two (2) years after which period the candidate’s name shall be removed from said list and as further provided for herein. If a candidate who receives a job offer is unable to qualify for acceptance because of a temporary physical condition or personal situation, the candidate shall be reinstated on the candidate list for the remainder of the two-year period, but shall not be entitled to an extension of that period because of such condition or situation.
- E. **CERTIFICATION OF TENURE.** After appointment, and successful completion of the one year (1) probation period, the Deputy Sheriff will be granted tenure. An extension of the probationary period of not more than six months (6) may be granted for cause upon application of the Sheriff to the Commission prior to expiration of the original probationary period.
- F. **APPOINTMENT PROCEDURES.** The responsibilities of the Commission include:
1. Preparing and posting, in the Commission office, a list of all qualified candidates at the completion of the entry screening process in accordance with the foregoing.
 2. Notifying all qualified candidates of their acceptability and placement on the qualified list so certified.
 3. Withdrawing, from the qualified list, the name of any applicant who declines to accept an appointment within thirty (30) days after it is offered.
 4. Withdrawing from the list any applicant who is rejected for employment by the Sheriff. The Sheriff shall timely notify the Commission of the candidate’s acceptance or rejection of the offer of employment.
- G. **INTERIM APPOINTMENT.** When necessary, the Sheriff may make interim appointments as Deputy Sheriff, when the applicant has made application to the Commission for such appointment and the Commission has not yet prepared a list of qualified applicants as prescribed in Section E.1. of this Article and the previous list has expired or is exhausted.
- Such appointment shall be interim in nature and shall terminate upon the posting of a new list of qualified candidates. All applicants who are given interim appointments must meet the applicable qualifications prescribed in Section B of this Article. Under no circumstances shall an interim appointment last more than six (6) months without review by the Commission.
- H. Upon appointment, the Deputy Sheriff shall establish permanent residency upon completion of the probationary period, in accordance with the General Order and Policy of the Sheriff’s Office.

ARTICLE IV

PROMOTION

- A. PROMOTION. To be eligible for promotion, a deputy:
1. Sergeant: Must have served as a certified full-time sheriff with the Sheriff's Office, in the Bureau to which promotion is sought for a minimum of five (5) years prior to the date of the promotion test.
 2. Lieutenant: Must have served as a certified full-time Deputy Sheriff Sergeant with the Sheriff's Office, in the Bureau to which promotion is sought for a minimum of two (2) year prior to the date of the promotion test.
 3. At the time of the notification of holding of examination for promotion, must not be in any of the following categories.
 - a. Under suspension.
 - b. On leave of absence, except for military service leave, leave under the Family Medical Leave Act (FMLA), pregnancy leave, leave under the Victim's Economic Security and Safety Act (VESSA), and any other leave statute which would require the opportunity to take the test.
 4. After meeting the above requirements, but prior to promotion the deputy must:
 - a. File a formal application with the Commission.
 - b. Take and pass any written and/or oral or other promotional examinations administered by the Commission.
 - c. Submit a passing performance evaluation for the previous year.
 - d. Obtain a score of seventy (70) or above on each and every section of the written promotional exam.
 - e. Be adjudged to be qualified and placed upon a list of qualified applicants by the Commission.
 - f. Be selected by the Sheriff from the qualified list and appointed to the appropriate position and rank by the Sheriff when a vacancy or vacancies occur and a determination by the Sheriff that the needs of the office so require.
 - f. Be found to be in acceptable physical condition to discharge the job functions of the position to which the promotion is sought.

- g. Successfully serve a probationary period of one (1) year during which time The Deputy is subject to being returned to the deputy's tenured rank by the Sheriff.

ARTICLE V

DISCIPLINE

A. **DISCIPLINARY MEASURES:** The Commission, after a hearing upon charges filed by the Sheriff or designee, shall make a finding and adjudication of guilty or not guilty. If a finding and adjudication of guilty is made, it may order any of the following disciplinary measures which, in the opinion of the Commission, the offense merits:

1. Suspension without salary for a period not to exceed a total of one hundred eighty (180) days in any twelve-month period.
2. Reduction in rank.
3. Discharge and removal from the Sheriff's Office.

If the Commission makes a finding and adjudication of not guilty, it shall require the Sheriff to:

1. Restore the accused to duty forthwith at the rank and position from which he suspended.
2. Make provision to continue the accuser's seniority as if it had never been interrupted.
3. See that that officer is properly reimbursed for any loss of salary. The difference between any monies earned at other employment while under suspension and salary shall provide the basis for such reimbursement.

B. **DISCIPLINARY PROCEDURES.**

1. **Complaints:** In all cases when the Sheriff seeks to file a written complaint with the Commission for violations of the Sheriff's Regulations, Policies, Procedures, or General Orders, it shall be submitted in quintuplicate with the Secretary of the Commission, and shall set forth a plain and concise statement of the facts upon which the complaint is based as well as the rules, regulations, procedures, or orders which the accused is charged with violating.
2. **Subpoena:** The Sheriff and the accused deputy or respective counsel, may at any time before the hearing, apply to the Commission for subpoenas 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, which they are to be required to produce. Any request for continuance by reason of inability to serve subpoena shall be filed in the office of the Commission at least five (5) days before the date set for such hearing and shall set forth with specificity the basis for the continuance. No continuance shall be granted except for good cause shown.

3. Filing of papers:
 - a. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.
 - b. If typewritten, the lines shall be double spaced, except that long quotations may be single spaced and indented.
 - c. All papers shall be not larger than 8-1/2 by 11 inches long and shall have inside margins of not less than one inch.
 - d. The original of all papers filed shall be signed in ink by the party filing the paper or by counsel.
 - e. If the papers are filed by an attorney, name and address shall appear thereon.
4. Continuance of Hearing: No hearing shall be continued at the request of any of the parties thereto or their counsel, unless request is made in writing at least five (5) days before the date for which the hearing is scheduled. Said request shall set forth, with specificity, the basis for the continuance. No continuances shall be granted, except for good cause shown, absent an emergency situation demonstrated to the satisfaction of the Commission.
5. Notification of Hearing: Upon receipt of a Complaint from the Sheriff, the Commission shall send a letter to the accused deputy enclosing a copy of the Complaint. The letter shall advise the deputy of the filing of the Complaint and set forth the time and place of hearing on the charges contained in the Complaint. Notice of such hearing shall be served on the accused not less than fourteen (14) days prior to hearing date. The letter shall be sent by registered or by certified mail, return receipt requested, at the residence address of the deputy shown on the face of the Complaint. Delivery of the letter to the deputy's residence, as shown by the return receipt shall constitute service of the Complaint on the deputy. A copy of the letter shall be mailed to the Sheriff and shall constitute notice to him of time and place of the hearing on the Complaint.
6. Hearing on Charges: All hearings shall follow these procedures:

- a. At the time and place of hearing the Sheriff and the accused may be represented by counsel if they desire.
 - b. All proceedings before the Commission during the hearing shall be recorded by a court reporter to be employed by the Commission.
 - c. 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 it.
 - d. All witnesses shall be sworn by the Chairman or another member of the Commission prior to testifying.
 - e. The Commission will hear the Sheriff's witnesses first. Thereafter, accused may present witnesses to the Commission. All parties shall have the right to examine and to recall witnesses. The Commission reserves the right to regulate the time allocated to both parties.
 - f. If the accused is found guilty of the charges, there shall be an opportunity for both sides to present evidence in mitigation or aggravation.
7. Decision on Charges: After making its finding and determining its order, the Commission shall mail to the accused member by registered or by certified mail, return receipt requested, a notice of the finding and order of the Commission. A copy of the notice shall be mailed to the Sheriff.

ARTICLE VI

OTHER PERSONNEL TRANSACTIONS

- A. **LEAVE OF ABSENCE.** A leave of absence without pay may be granted to any member of the Sheriff's Office covered by the merit system irrespective of rank. The leave shall be from the position and rank that the deputy holds at the time the leave is granted. Such leave may be granted whether or not the deputy has completed the probationary period.

All leaves of absence, except for military service, shall be for one (1) year or less, with the privilege of obtaining a new leave at the expiration of the initial request. Leave of absence shall be granted by the Sheriff. A deputy on leave of absence who accepts a position other than that for which the leave is granted, without written approval of the Sheriff, shall be deemed to have resigned. A deputy who fails to return to his/her position following the granted leave, or fails to request and be granted a new leave of absence on or before the expiration date of his/her first leave, shall also be deemed to have resigned.

The Sheriff shall be the sole judge of the appropriateness of the reasons and purposes for which the leave is requested. Any deputy who is denied request for leave of absence may appeal to the full Commission for a review of his/her case, and upon good cause shown, the Commission may grant a leave of absence under the conditions set forth above. Any deputy taking leave of absence must surrender all credentials, insignia, and arms proved by the Sheriff's Office.

A leave of absence granted in excess of one (1) year will constitute a break-in-service unless such leave of absence is for the purpose of accepting employment outside of the Merit System, but within the Sheriff's Office. A deputy whose leave of absence constitutes a break-in-service may not use previous years of service to satisfy the requirements of Article IV.

- B. RESIGNATION. Any deputy covered by the merit system may resign from the Sheriff's Office for any reason. Any deputy resigning must surrender all credentials, insignia, and arms provided by the Sheriff's Office.

Should a former deputy file an application under the merit system with the Sheriff's Office, the deputy must once again meet the basic requirements for appointment to the Sheriff's Office as a deputy and successfully completes the screening process in competition with all other applicants.

- C. The provisions of the Sheriff's Merit System Law, 55 ILCS 5/3-8001, are hereby Incorporated herein as if set out in full. Any conflict between these Rules, Regulations, and Procedures and the provisions of the Sheriff's Merit System Law are hereby repealed to the extent of such conflict.

Adopted this 24th day of March 2020.

As revised through August 20, 2020

TONY REYES, CHAIRMAN

FRANK L. SOMMARIO, VICE-CHAIRMAN

CAROLE VASBINDER, SECRETARY