

CHAPTER 6 – BOARDS AND COMMISSIONS

Article I – Public Aid Committee

6-1-1 Purpose. The purpose of this article is to comply with the provisions of the Illinois Public Aid Code and to effectuate procedural due process in appeals to the public aid committee by applicants or recipients of general assistance by the adoption of these rules of procedure.

6-1-2 Definitions. For the purposes of this article, the words and phrases listed hereunder have the meanings designated herein, except when a particular context clearly requires a different meaning:

“Appellant” means a person who has filed an appeal for a hearing before the public aid committee of the County Board.

“Applicant” means a person who has filed an application for general assistance with a supervisor of general assistance.

“Board” means the County Board of the County of Jefferson, Illinois.

“Chairman” means the chairman, or in his absence, the vice-chairman, of the County Board, who is also ex-officio chairman of the public aid committee.

“Code” means the Illinois Public Aid Code, Illinois Compiled Statutes, 305 5/1-1.

“County” means the County of Jefferson, Illinois.

“General Assistance” means payment of money to or on behalf of a person for basic maintenance support as provided in Article VI of the Illinois Public Aid Code.

“Hearing Officer” means a qualified officer or employee of the County Board who has been designated in writing by the chairman of said County Board to conduct hearings on appeals from decisions of supervisors of general assistance. Reference to the chairman or the public aid committee may, when the context so indicates, include and be applicable to the hearing officer.

“PAC” means the Public Aid Committee of the County Board.

“Recipient” means a person who is receiving general assistance pursuant to Article VI of the Illinois Public Aid Code.

“Supervisor” means a supervisor of general assistance, as provided in Article XII of the Illinois Public Aid Code, or his designated representative or employee.

6-1-3 Establishment of PAC. The PAC is hereby established and its chairman is the Chairman of the Board.

(A) Composition. In addition to the chairman, the PAC shall be composed of four (4) township Supervisors of General Assistance, appointed by the Chairman, with the advice and consent of the county board. (305 ILCS 5/11-8)

(B) Meetings. The PAC shall meet at the call of the chairman, who shall give notice of the meeting to members of the PAC at least three (3) days prior to said meeting. In addition, notice of meetings and the conduct of same shall be in compliance with the Illinois Compiled Statutes (5 ILCS 120/1.02)

(C) Quorum. Three (3) members of the PAC shall constitute a quorum for the conduct of the business of the PAC. The alternate member of the PAC may serve only in the absence of a regular member.

(D) Voting. On all matters before the PAC, the concurrence of a majority of the members present shall be necessary for a decision; and the action of such majority shall be the act of the PAC.

6-1-4 Administrative Procedure. The following procedural rules shall be applicable to the supervisors:

(A) Notice of Decision. Within ten (10) days after a decision is made denying, terminating, granting, changing, cancelling, revoking or suspending general assistance, the applicant or recipient shall be notified in writing of said decision. (305 ILCS 5/11-6, 7)

(B) Contents of Notice. The written notice of decision shall contain the following information:

- (1) Statement of the action taken and the reason therefor;
- (2) Amount of financial aid to be provided;
- (3) Reference to the policy, statute, guideline or rule supporting said decision;
- (4) Statement defining the applicant's or recipient's right of appeal;
- (5) Statement that general assistance will be continued in the amount presently paid if a notice of appeal is filed within ten (10) days of the date of the date of the notification of the decision of the supervisor.
- (6) Copy of the notice of appeal form provided by the board; and
- (7) Notice that rules governing appeals are available at the office of the supervisor.

(C) If a Notice of Appeal is filed within ten (10) days of the date of notification of a decision to reduce, suspend, or terminate general assistance, the supervisor shall continue to provide general assistance in an amount equal to that in effect prior to the date of his decision pending the decision of the PAC. (305 ILCS 5/11-6)

(D) Finality. Unless the applicant or recipient files a notice of appeal within sixty (60) days after the date of the decision of the supervisor denying or terminating aid, or granting aid in an amount which is deemed inadequate, or changing, canceling, revoking or suspending general assistance, such a decision shall be final. (305 ILCS 5/11-8)

6-1-5 Right of Appeal. An applicant or recipient may appeal the decision of the supervisor denying, terminating, changing, canceling, revoking, suspending or granting general

assistance in an amount deemed in adequate provided:

(A) Appeal is made on the notice of appeal form; and

(B) The notice of appeal is filed with the supervisor not later than sixty (60) days after the date of his decision.

An appeal shall also lie when an application for general assistance has not been acted upon within thirty (30) days after the filing of the application.

The supervisor shall assist in the completion of the notice of appeal when so requested.
(305 ILCS 5/11-8)

6-1-6 Appellate Procedure.

(A) Notice of Appeal. Upon timely receipt of a notice of appeal, the supervisor shall, within forty-eight (48) hours of such receipt, forward said notice to the office of the chairman.

(B) Pre-Hearing Conference. The supervisor shall request an informal conference with the appellant in order to explain the basis for his decision and to allow the appellant to present additional information in support of his position. As a result of the pre-hearing conference, the supervisor may reverse or modify his decision, in which event he shall notify in writing:

(1) The appellant, and request him to withdraw the appeal should the decision be satisfactory to the appellant; and

(2) The chairman.

(C) Withdrawal of Appeal. If the appellant wishes to withdraw his appeal, he shall submit a withdrawal of appeal form to be provided by the supervisor, who shall thereupon deliver a copy of same to the PAC. An appeal may be withdrawn at any time prior to the decision of the PAC.

(D) Statement of Facts. The supervisor shall prepare a statement of facts setting forth the decision in contention and the factual basis therefor. Not later than eleven (11) days after the date of the decision, which is on appeal, the supervisor shall send a copy of the statement of facts to the appellant and the chairman. The appellant may examine for the purpose of the appeal:

(1) The statement of facts;

(2) Pertinent case information, including all documents to be introduced as evidence; and

(3) Information related to the supervisor's budget for general assistance.

(E) Subpoena. The appellant or the supervisor may apply to the chairman for subpoena requiring the appearance of witnesses at the hearing and, if necessary, requiring the production at the hearing of books, papers, records and such other documents or evidence as may be relevant to the hearing. However, no person not residing in the county may be compelled to attend a hearing before the PAC.

The application shall specify the names and addresses of the persons to be subpoenaed

and the documents or such other evidence they are required to produce. Subpoena may be served as provided for in civil actions, and the fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit court and shall be paid by the supervisor.

If a witness refuses to attend or testify or to produce books or papers, concerning any matter upon which he might be lawfully examined, the circuit court of the county, upon the application of the PAC, may compel obedience by proceedings for contempt as in the case of a like refusal to obey a similar order of the court. (305 ILCS 5/11-8.3)

(F) Filing of Papers. The time of mailing, which may be evidenced by a postmark affixed in and by a United States Post Office shall be deemed the time of giving notice or the filing of any record, document, decision or notice required by this article.

(G) Hearing Officer. When specifically designated in writing by the chairman, the hearing officer may conduct hearings on appeals, issue subpoena or administer oaths to witnesses. The hearing officer shall make findings of fact and recommendations which shall be considered by the PAC in rendering its decision. Notwithstanding the foregoing, the PAC shall itself, when feasible, conduct hearings on appeals. (305 ILCS 5/11-8.3)

(H) Hearings. Although not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, the PAC shall conduct its hearings in such manner as seems best calculated to conform to substantial justice, the spirit of the code, and the following procedures:

- (1) Within seven (7) days of filing a notice to appeal, the chairman shall call a meeting of the PAC, which meeting shall be set for a date not later than twenty-one (21) days after a notice of appeal is filed. The chairman shall mail to the appellant notice of the date, time and location of the hearing. Said notice shall be addressed to the appellant at the address given on his notice of appeal and must be mailed no less than seven (7) days prior to the date of the hearing.
- (2) All witnesses shall be sworn by the chairman, another member of the PAC or the hearing officer.
- (3) The supervisor and the appellant may appear in person and be represented by counsel.
- (4) The appellant shall be afforded an opportunity to present all matter relevant to his appeal.
- (5) All parties shall have the right to call, examine and cross-examine witnesses.
- (6) The appellant shall precede the supervisor at all stages of the hearing, e.g., opening and closing statements, the offering of evidence and the examination of witnesses.
- (7) All hearings shall be public unless otherwise provided by law.

(8) All hearings shall be recorded, and minutes of all meetings and hearings shall be kept. (305 ILCS 5/11-8.4)

(I) Continuances. No hearing shall be continued at the request of any of the parties thereto or their counsel unless such request has been filed in the office of the chairman at least five (5) days before the date on which said hearing is scheduled. However, the PAC may grant a continuance at any time on good cause shown and on just terms.

The hearing may be continued by the PAC when it appears necessary to obtain additional information, but the additional information must be presented at the continued hearing unless the appellant and the supervisor consent to the presentation of the additional information outside the hearing.

If an appellant whose general assistance has been continued unchanged as a consequence of filing a notice of appeal requests a continuance, it may be granted by the PAC only upon a showing, supported by affidavit, (1) that material evidence is lacking; (2) that due diligence has been used to obtain the evidence or the want of time to obtain it; (3) of what particular fact or facts the evidence consists; (4) if the evidence consists of the testimony of a witness, his place of residence, or if his place of residence is not known, that due diligence has been used to ascertain it; and (5) that if further time is given, the evidence can be procured.

If an appellant whose general assistance has been continued unchanged as a consequence of filing a notice of appeal fails to appear at the hearing without good cause, the PAC shall find for the supervisor and against the appellant.

The unexplained absence of either party at a hearing may be grounds for the dismissal of the appeal or reversal of the decision of the supervisor.

(J) Decision. Following the hearing, a decision will be made by the PAC which either upholds or reverses the supervisor's decision or determines a lack of jurisdiction. The PAC shall apply, in determining eligibility and the amount of general assistance to be given, only such standards as were promulgated and in effect when the supervisor's decision was rendered or, if applicable, thirty (30) days after the date of the filing of the application for general assistance. If no standards were in effect at such times, the PAC shall apply the general assistance standards promulgated by the Illinois Department of Public Aid which were then in effect, except that full shelter costs may be awarded to an adult.

At the conclusion of the hearing, the PAC shall issue, within sixty (60) days of the date of the filing of the notice of appeal unless additional time is required for a proper disposition of the appeal, its findings and order in writing. Its order may be based only upon evidence presented at the hearing unless the appellant and the supervisor consent to the consideration of other evidence. A copy of the order shall be forthwith mailed or delivered to both parties. If an appellant or a supervisor shall fail to substantially comply with these rules of procedure, the PAC may terminate the proceedings and enter a decision in favor of the other party.

The appellant, should his appeal be denied, shall be informed in writing of his right to

seek judicial review of the PAC's decision.

A decision on an appeal shall be binding upon and complied with by the appellant and the supervisor. (305 ILCS 5/11-8.6)

Article II – Sheriff’s Department – Merit Commission

Division I – Administrative

6-2-1.1 **Officers of the Merit Commission.** (Amendment 8 adopted by County Board on November 28, 2011.)

The Merit Commission shall consist of five (5) members duly appointed by the Sheriff with the approval of a majority of members of the County Board. **If the sheriff fails to make the appointments within 60 days after the adoption of the ordinance, the members of the commission shall be appointed by the chairman of the county board with the approval of a majority of the members of the county board. No member of the commission shall hold a statutory partisan political office.** The officers of the Merit Commission shall be a **Chairman, Vice-Chairman** and a Secretary, duly elected by the Commission members. All officers shall be elected annually at the first meeting in September by a simple majority vote of the members. The term of appointment of the individual members shall be for a two (2) year period except for the first year. **The term of appointment shall be as follows: one shall serve for a term of 2 years, one for a term of 3 years, one for a term of 4 years, one for a term of 5 years, and one for a term of 6 years.** If a vacancy occurs in the office of a commissioner, the sheriff, with the approval of a majority of the members of the county board, shall appoint a suitable person to serve the unexpired portion of that commissioner’s term. If the sheriff fails to appoint a person to fill the vacancy within 30 days, the chairman of the county board shall appoint a person to fill the unexpired portion of the term, with the approval of a majority of the members of the county board. No more than 3 members may be affiliated with the same political party. The members of the current commission shall serve out the unexpired portions of their respective terms and shall carry out their duties in accordance with this Division until the above referenced terms are adjusted in accordance with 55 ILCS 5/3-8003 from Ch. 34, par. 3-8003.

Meetings: Following the appointment or re-appointment for Merit commission at the November 2011 regular board meeting and then every two years beginning at the 2013 September meeting, the sheriff shall call the first meeting and they shall meet and organize by selecting a chairman, a vice chairman and a secretary. The initial officers and their successor shall be selected by the Commission from among its members for a term of 2 years or for the remainder of their term of office as a member of the Commission, whichever is shorter. 3 members, shall constitute a quorum for the transaction of business. The Commission shall hold regular quarterly meetings and such other meetings as may be called by the Commissions. In the absence of the Chairperson, the Vice Chairman shall act as

Chairperson pro-tem. If the Chairperson becomes disabled or resigns, the Vice Chairman shall act as Chairperson pro-tem until a new member is appointed, at which time an election for Chairperson shall be held. The Secretary shall be responsible for minutes, records, correspondence, and other duties as assigned by the Chairperson.

Removal of Merit Commission. No member of a Merit Commission shall be removed except for palpable incompetence or malfeasance in office upon written charges filed by or at the direction of the sheriff or the county board and heard before the Board of Hearings provided for in this Section. The chief judge for the judicial circuit in which the county is situated and the 2 circuit judges who have longest held judicial office shall constitute the Board of Hearing. If 2 or more circuit judges have held judicial office for the same longest or next longest length of time, choice among those circuit judges shall be made by lot. If there are only 2 circuit judges in the circuit embracing the county, then those 2 judges shall select the third member of the Board of Hearing from among the circuit judges in contiguous circuits.

The Board of Hearings shall hear and determine the charges and its findings shall be final. If the charges are sustained, the member of the Commission so charged shall be forthwith removed from office by the Board of Hearings and the sheriff with the approval of a majority of the members of the county board shall thereupon proceed to fill the vacancy created by such removal. In any proceeding provided for in this Section, the Board of Hearings and each member thereof, shall have power to administer oaths and to compel by subpoena the attendance and testimony of witnesses and the production of books and papers.

Appropriations. A designated sum of money shall be provided each year by the county board to carry out the provisions of this Division. The county board may establish per diem compensation for members of the Commission and shall allow reimbursements for reasonable and necessary expenses.

6-2-2 Office. The Commission shall maintain an office in Mt. Vernon, Illinois.

6-2-3 Regular Meetings. A regular meeting of the Commission shall be held at least quarterly. Other meetings may be called as necessary by the Chairman, or upon request of any member. The Chairperson must notify each member of the Commission of called meeting specifying the time and place of such meeting at least three (3) days prior to meeting. Compliance with the Open Meeting Act will be observed.

6-2-4 Special Meetings. Notice of special meetings shall be given by the chairman to each Commission member specifying the date, time and place of such special meetings at least five (5) days prior to the date thereof; unless such notice be waived by unanimous consent of

all Commission members. Any business of whatever nature may be acted upon at such special meeting.

6-2-5 Voting. On all matters brought before the Commission, the concurrence of a simple majority of members of the Commission present shall be necessary for a decision, and action of such majority shall be the act of the Commission. Dissenting votes shall be recorded.

6-2-6 Quorum. A simple majority of the members shall constitute a quorum and shall conduct the business of the Commission.

6-2-7 Changes in Rules, Regulations and Procedures. Any changes in the Rules, Regulations and Procedures shall originate with action of the Merit Commission. All changes shall be submitted to the Chairperson of the committee of the County Board under whose authority the Merit Commission is held, the Office of the Sheriff, and the Office of the States Attorney for recommendations. Changes will become effective only upon a majority action of the Merit Commission.

6-2-8 Minutes and Records. The Commission shall:

1. Keep and maintain the minutes of all meeting and report the decisions rendered to appropriate authorities.

2. Maintain an employment file on each employee of the Sheriff's Office appointed under the authority of the Merit Commission. These files will be considered confidential; however, any employee under the Merit Commission may review their own individual file upon request in the presence of a Merit Commission member. The file will consist of, but not be restricted to:

- a. The original Merit Application or copy
- b. Any attachment to the application
- c. Any background information
- d. Any other information pertaining to employment

3. A Personnel file will be maintained by the Jefferson County Sheriff's Office in accordance with the Agreement between the County of Jefferson, Sheriff of Jefferson County and Illinois Fraternal Order of Police Labor Council/Jefferson County Lodge #241.

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 the requests of the County Board or other authorized authorities for reports of activity.

6-2-9 Inspection. At the request of the Sheriff or at its discretion, the Commission may inspect and investigate the morale and efficiency of the personnel under the Merit System and may report its findings.

6-2-10 Policy Statements and Public Releases. It shall be the established practice of the Commission that all policy statements and public releases concerning administration, procedures, rules, regulations and aims of the Commission shall be made by the chairman or in his absence or disability by the secretary.

6-2-11 – 6-2-14 Reserved.

Division II – Appointment of Personnel

6-2-15 Chief Deputy and Executive Deputy. The rules, regulations and procedures of the Merit System and Merit Commission shall be applicable to all commissioned Deputy Sheriffs who are engaged in patrol, law enforcement and criminal investigation duties, and responsibilities of the County Sheriff's Office.

The rules, regulations and procedures shall not be applicable to other personnel of the County Sheriff's Office, including, but not limited to the Chief Deputy Sheriff, Executive Deputy, or Administrative Assistant to the Sheriff.

6-2-16 Entry into the Merit System. Appointments to the rank of Deputy, Dispatcher, or Correctional Officer are the sole points of entry into the Department Merit System. Each job description and duty is separate. Lateral transfers are not allowed. An employee must apply and successfully complete all merit testing requirements for a new or different position. Deputy Sheriffs under the incumbent Sheriff qualifying to come under the Merit System at the time of the adoption and approval of the rules, regulations and procedures herein shall be appointed for a six (6) month probationary period at their then existing rank and thereafter within said six (6) months period shall meet the educational, physical, training, aptitude and other requirements set down by the Commission. On meeting said requirements, their respective ranks shall become established under this Merit System.

6-2-17 Applications for Appointment. All applications for appointment under the Merit System shall be made to the Commission and shall be in writing on the forms to be provided by the Commission.

6-2-18 Appointments to the Department.

(A) Applicants for the appointments as Deputy, Dispatcher and Correctional Officer to the Sheriff's Office, in addition to meeting standards prescribed in the Illinois Compiled Statutes concerning Deputy Sheriffs, must, at the time of application, or at the request of the Merit Commission be in compliance with the following:

1. Be no younger than twenty-one (21) years of age at the time the application is received by the Merit Commission. A birth certificate must accompany all applications.
2. Be a high school graduate, or have a certificate of equivalency; a copy is required.
3. Applicants must submit a photocopy of their driver's license with the original application.
4. Pass a physical examination by a doctor acceptable to the Jefferson County Medical Society.
 - a. Eye test, 20/30 with corrective lenses.
 - b. The physical examination shall be paid for by the applicant.

5. Submit a copy of Military Service Discharge, or draft status and/or lottery number. If required, applicant must sign a release for any information the Commission may request from the Selective Service File.

6. Be acceptable to the Commission following an investigation of background, reputation, and character. A polygraph may be required at the discretion of the Commission.

7. Achieve a satisfactory score on such written examinations as may be prescribed by the Commission.

8. Appear before the Commission and such professional staff as the Commission may design for a personal interview.

9. A separate test will be administered and a separate alphabetical list for Deputies, Dispatcher, and Correctional Officer positions will be maintained with all the rules and regulations of the Merit Commission applicable to each with the exception of:

- a. A Dispatcher must possess adequate typing skills and be able to pass a typing test satisfactorily.
- b. A Dispatcher must possess some computer skills.

10. The eligibility list will be determined by the following:

	A. Deputy	B. Dispatcher	C. Correction Officer
<u>Written Test:</u>	50%	50%	50%
<u>Oral Examination:</u>	35%	35%	35%
<u>Prior Experience:</u>	5%	5%	5%
<u>Prior Military:</u>	5%	5%	5%
<u>Physical Agility:</u>	5%	—	5%
<u>Typing Test</u>	—	5%	—

11. Not hold any elected political position.

12. Must pass a physical agility test as administered by the Merit Commission.

13. All applicants must be fingerprinted and subject to a criminal check through the Illinois and Federal Bureau of Identifications.

14. No person who is a member of the immediate family of the Sheriff, any Deputy, any Dispatcher, any Correctional Officer, any other employee of the Sheriff's Office or any member

of the Merit Commission shall be eligible for appointment to any Merit System position. For the purpose of this paragraph “immediate family” shall include a father, mother, spouse, brother, sister, son, daughter, grandson, or granddaughter.

(B) The Commission will notify all applicants as to the certification for employment in the Jefferson County Sheriff’s Office. The Commission will notify the Sheriff’s Office as to the certification of the applicant.

(C) The Sheriff shall appoint applicant or applicants to the respective positions only from the certified alphabetical list when a vacancy or vacancies occur.

(D) The appointee(s) shall serve successfully a one (1) year probationary period, during which time the probationer is subject to removal by the Sheriff. The Commission shall be notified by the Sheriff in writing of the reason/reasons for termination.

(E) At the time of appointment and acceptance, the applicant shall within six (6) months become a resident of Jefferson County.

(F) Any applicant appointed to any fulltime position as a Deputy, Dispatcher or Correctional Officer of the Jefferson County Sheriff’s Office must within thirty (30) days join the appropriate bargaining union or state in writing they wish to be a Fair Share employee.

(G) Political affiliation, race, sex, or religion shall not in any respect be a determinate to employment.

(H) Appointee can be required at the discretion of the Sheriff to submit to a drug test anytime during the hiring procedure or during the probationary period.

15. Must be a resident of Jefferson County.

6-2-19 Veterans Preference for Appointment. Applicants who have been certified for appointment who have served in the military service of the United States and have filed with the Commission a sworn or certified copy of their certificate of honorable service shall receive a numerical rank on the certification list above all other applicants who shall have received the same rating.

6-2-20 Ranks of Merit System Personnel. For the purposes of the administration and operation of the Merit System of the Jefferson County Sheriff’s Office the ranks of Merit personnel in the Sheriff’s Office shall be:

1. Captain Deputy
2. Detective Captain
3. Sergeant Deputy
4. Deputy/Detective
5. Court Security Deputy
6. Telecommunications-Dispatcher

- 7. Correctional Officer
- 8. Sergeant Correctional Officer

All other appointments in the Jefferson County Sheriff's Office shall be staff personnel and are not subject to the Rules, Regulations and Procedures of the Merit Commission. No rank covered under these rules shall be appointed except from a certified list from the Merit Commission.

The assignment of Detective (Deputy), Court Security Deputy and Civil Process Deputy may be made at the discretion of the Sheriff for whatever period of time deemed appropriate from the ranks of personnel. When the employee is reassigned or the assignment is terminated, the individual or individuals shall revert to their previous tenured position of duty or other assigned position as designated by the Sheriff.

The existing pay plan for the Sheriff's Department personnel shall continue in force and effect. Pay plan changes shall be studied and considered from time to time by this Commission, with recommendations from the Sheriff, and will be effective on approval by the County Board.

6-2-21 Certification for Promotion. The Merit Commission shall provide thirty (30) days advance notice of any promotional examination. The notice shall contain the date, time and place of the examination, an explanation of who is eligible to take the examination, and a description of the rank for which the test is being held. The notice for promotional examination for Captain and Sergeant of the Deputies division shall be by posting the above information on the Bulletin Board in the Dispatch Office and by posting on the F.O.P. Bulletin Board. The notice for promotional examination for Sergeant of Correctional Officers division shall be posted on the Correctional employee bulletin board.

(A) Eligibility. To be eligible for promotion.

1. Years of Service:

a. Captain-Deputies. Every candidate must have been a commissioned Deputy for a period of at least five (5) years at the date of the examination.

b. Sergeant-Deputies. Every candidate must have been a commissioned Deputy for a period of at least two (2) years at the date of the examination.

c. Sergeant-Correctional Officer. Every candidate must have been a commissioned Correctional Officer for a period of at least one (1) year at the date of the examination.

2. Must not be at the time of holding the examination for promotion be on leave of absence, except for military service.

3. Must have acceptable performance evaluations for the preceding year.

4. File a formal application with the Commission.

5. Take and successfully pass any written, or oral, examination as prescribed by the Commission.
6. Be adjudged to be qualified and placed upon a list of qualified applicants by the Commission.
7. Be selected from the qualified list and appointed to the appropriate position and rank by the Sheriff when a vacancy or vacancies exist.
8. 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 promotion, if, in the opinion of the sheriff, they have failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service. (55 ILCS 5/3-8011)

(B) Applicability of Tests. Eligibility for promotion shall be based on the scores of the following three factors:

Written Examination	50%
Oral Interview	30%
Performance Rating	10%
Seniority	10% maximum

“Seniority Points” are determined by giving each applicant one (1) percent for each year of completed service in the Jefferson County Sheriff’s Office as a commissioned deputy sheriff, up to a maximum of ten (10) years.

(C) Promotional List. The Commission shall rank the candidates according to their final score. The candidates who score 70% or better on the examination will be ranked on a promotion list according to their scores, with the candidate having the highest score ranked first, the candidate having the second highest score ranked second, and so on. Those candidates who score less than 70% will not be placed on the list. The promotion list will be posted on the FOP bulletin board and on the bulletin board in the Dispatch room.

The promotion list for Captain-Deputy will be valid for a period of two (2) years from the date that the list was established. The promotional list for Sergeant-Deputy and Sergeant-Correctional Officer will be valid for a period of one (1) year from the date the list was established. The promotion list(s), however, can expire before the time period if all the candidates whose name appears on it have already been promoted. Upon expiration of the list, regardless of the reason, the Employer will schedule a new promotional examination within one-hundred and twenty (120) days of the list’s expiration.

(D) Promoting Candidates. All vacancies will be filled by the Sheriff by promotion from the list provided by the Merit Commission to the Sheriff. All promoted individuals are required to serve a twelve (12) month probationary period. Removal from the promoted classification

during this period must be for just cause relating to the inability to perform the new duties and responsibilities. If the promoted individual is removed from promoted position, the individual shall revert back to the classification held prior to the promotion.

A merit commission employee may be promoted by the Sheriff to a non-merit commission position. The position may or may not be in a union. Should the Sheriff demote the previous merit employee, that employee shall revert to their previously held merit commission rank or position. In addition, should the employee choose to return to their previous merit commission position they shall be afforded that right. However, the employee shall not be allowed to return to their previous merit commission position if such employee is fired by the Sheriff for gross misconduct.

6-2-22 Appointment Procedures: The Merit Commission shall:

1. Prepare and post prominently a list of all certified applicants at the completion of the screening and testing process. This list will be in effect for the period of one (1) year from posting date, or until the list of applicants has been exhausted.

2. Notify in writing by Certified Return Receipt Requested all certified applicants of their certification.

3. Upon notification by the Office of the Sheriff that an appointment has been offered but has been declined or not accepted within fifteen (15) days from the time of the offer, the Commission will remove the certified name from the list.

4. The Merit Commission reserves the right to establish a list of certified applicants at any time it deems necessary.

6-2-23 Intra-Department Transfer.

1. All current fulltime Deputies, Detectives, Court Security Deputies, Dispatchers and Correction Officers shall be included in this Merit System.

2. The Sheriff may appoint any Deputy to the position of Deputy, Detective, Court Security Deputy, or Civil Process Deputy.

3. The transferred appointee shall successfully finish his original one (1) year probationary period or be subject to be returned to his previously held position, by the Sheriff after written notification of cause has been filed with the Merit Commission and approved by the Commission.

Division III –Discipline

6-2-24 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 thirty (30) days in any twelve (12) month period. (55 ILCS 5/3-8013)

6-2-25 Removal, Demotion, or Suspension. The removal, demotion, or suspension of thirty (30) days or more of a merit certified person shall be for just cause, upon written charges filed with the Merit Commission by the Sheriff. The Merit Commission shall abide by the language as set forth in Chapter 55 ILCS 5/3-8014.

6-2-26 – 6-2-27 Reserved.

Division IV – Disciplinary Procedures

6-2-28 Filing of Charges. In all cases where the Sheriff desires to discipline a person under the Sheriff's Department Merit System beyond the powers given him under Division III, Section 6-2-25, he shall file with the Commission, a written complaint in triplicate, setting forth a plain and concise statement of the facts upon which the complaint is based. The Commission will not consider any complaint based upon conduct with antedates three (3) years of the date complaint is filed.

6-2-29 Notice of Hearing. On receipt of a complaint from the Sheriff, the Commission shall send a letter enclosing a copy of the complaint to the person who is the subject to the complaint. The letter shall be sent by registered or certified mail, return receipt requested, to the residence address of said person, and delivery of the letter as shown by the return receipt shall constitute service of the complaint. Personal services may be made if necessary. The letter shall advise of the filing of the complaint and set forth the date, time, and place of a hearing on the charges in the complaint.

A copy of said letter shall be mailed or personally delivered to the Sheriff and shall constitute notice to him of the date, time and place of the hearing on the complaint.

6-2-30 Hearings.

(A) All hearings shall be public.

(B) At the time and place of hearing, the Sheriff and the person who is the subject of the complaint may be represented by counsel if they desire.

(C) All proceedings of the hearing before the Commission shall be recorded by a reporter provided by the Commission or by other means provided by the Commission.

(D) The record of all hearings will not be transcribed unless requested by the Commission or any party in interest. The cost of the transcript shall be borne by the person requesting it.

(E) All witnesses shall be sworn by the Commission Chairman or other Commission members prior to testifying.

(F) The Commission will first hear the witnesses substantiating the charges which have been made against the person. Thereafter, said person against whom charges have been filed may present the 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.

(G) The findings of the Commission shall be decided on evidence presented at the hearing.

6-2-31 Subpoena. The Sheriff and the person who is the subject of the complaint, or their counsel, at any time before the hearing, may make application 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. Subpoenas will not be issued for anyone residing outside the State of Illinois.

Subpoenas issued by the Commission may be served by any adult person designated by the Commission, or by the Sheriff's Department.

Any request for continuance by reason of inability to serve subpoenas shall be filed with the Commission at least two (2) days before the date set for the hearing; however, the Commission may waive this rule.

6-2-32 Proof of Service of Papers. All papers required under Division IV of these Rules and Regulations to be served shall be delivered personally to the party designated or mailed by U.S. Mail in an envelope properly addressed, with postage prepaid, to the designated party at his last known residence address. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering same for the designated party personally or by filing a return receipt showing that a paper was mailed, by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party. Service on the Sheriff may be made in a similar manner.

6-2-33 Filing of Papers. All papers may be filed with the Commission by mailing them or personally delivering them to the Jefferson County Sheriff's Department Merit Commission Office at Mt. Vernon, Illinois, or to the Commission staff. For purpose of the rules, regulations and procedures hereinafter set forth, for filing date of any paper shall be the date it was received in the Commission office.

6-2-34 Form of Papers.

(A) All papers filed in any proceeding shall be typewritten or printed legibly and shall be on one (1) 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 not be larger than 8 ½ inches wide 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 his counsel, including the address and telephone number of such party.

6-2-35 Continuances. No hearing shall be continued at the request of any of the parties, to the proceedings or their attorneys unless such request is made and received in writing by the Commission or its staff at least two (2) days before the scheduled hearing date.

6-2-36 Computation of Time. The time within which any act under these rules, regulations and procedures is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday, Sunday or a holiday as defined or fixed in any statute, now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

6-2-37 Decisions of the Commission. After the hearing, the Commission shall make its findings and determine its order and shall mail to the party charged by registered or certified mail, return receipt requested, a notice of the finding and order of the Commission. A copy of the finding and order shall be mailed to the Sheriff. The Commission may, at its discretion, order reinstatement with partial or full back pay. (55 ILCS 5/3-8014)

6-2-38 – 6-2-39 Reserved.

Division V – Miscellaneous Personnel Matters

6-2-40 Leave of Absence. Leave of absence without pay may be granted personnel under the Sheriff's Department Merit System. The leave of absence shall be from the rank he holds at the time permission is granted. Upon termination of the leave, the person shall be returned to the same rank he held at the time the leave was granted. Such leave may be granted whether the person has or has not completed his probationary period.

All leaves of absence, except for military service shall be for one (1) year or less, with privilege of obtaining a new leave at the expiration of the first leave. Leaves of absence shall be granted by the Sheriff, with approval of the Commission. An employee on leave of absence who accepts a position other than that for which leave was granted, without prior approval of the Sheriff and the Commission, shall be deemed to have resigned. A person who fails to return to his position or to request and be granted a new leave of absence on or before the expiration of his first leave shall also be deemed to have resigned.

Leave of absence without pay may be granted for the following reasons:

- (A) Illness of the person requesting the leave of absence properly certified by a physician. However, the Commission may require said person to submit to a physical examination by a physical examination by a physician of the Commission's choice.
- (B) Active duty in the military service of the United States.
- (C) Training in an institution of higher learning.
- (D) Other reasons acceptable to the Sheriff and the Commission.

6-2-41 Resignations, Reinstatements and Retirement. Any member who resigns from a position under this Merit System for any reason will not be reinstated.

Should a former County Sheriff's Department Merit System employee desire to reaffiliate himself with the Department and come under the Merit System, he must meet the basic requirements for eligibility for appointment under the Merit System, as provided under Division II herein.

6-2-42 Political Affiliation. All appointments and promotions shall be made in accordance with the provisions of this Chapter and the rules and regulations of the Commission, without consideration of the political affiliation of any applicant. (55 ILCS 5/3-8012)

Personnel under the County Sheriff's Department Merit Commission shall not engage in the activities of any political party or of any candidate for public office or for nomination therefor, nor participate in the political campaign for the nomination or election of any candidate for public office.

Personnel under this Merit System, by leave of the Merit Commission, may seek and occupy positions on non-partisan boards, districts and commissions, including, but not limited

to school boards, library boards, park boards or districts, water, drainage or sewer districts, planning commissions, law enforcement commission, etc.

Nothing contained herein shall be deemed to interfere with the right of any person to vote for any candidate and upon any issue as his reason and conscience may dictate or to encourage other citizens to vote in accordance with the above principle.

6-2-43 Outside Employment. Personnel of the County Sheriff's Department Merit System may hold outside employment approved by the Sheriff and the Commission upon filing of a sworn statement describing such employment, the place of employment, and the employer. Such outside employment shall not be in excess of twenty (20) hours per week.

6-2-44 – 6-2-45 Reserved.

Division VI – Rules of Conduct

6-2-46 Regulations. Personnel of the County Sheriff's Department Merit Commission who shall be guilty of any of the following shall be subject to disciplinary action by the Sheriff and the Merit Commission.

- (A) Violate any law or statute of a State or of the United States.
- (B) Violate any ordinance of a county of municipal government.
- (C) Willfully mistreat any person.
- (D) Violate any of the general orders, special orders or rules and regulations of the Department which are not inconsistent with these Rules and Regulations.
- (E) Negligently or carelessly use any weapon.
- (F) Knowingly make a false official report.
- (G) Fail to obey a lawful order.
- (H) Be insubordinate to, or show disrespect for a superior in the Department.
- (I) Mistreat a junior member of the Department.
- (J) Neglect to perform his duties or perform his duties with inefficiency or incapacity.
- (K) Engage in any conduct unbecoming to a member of the Department or which tends to reflect discredit on the Department.
- (L) Leave his post of duty without permission or without being properly relieved.
- (M) Be absent from duty without leave or appropriate permission.
- (N) Willfully destroy or damage any property of the Department.
- (O) Use property of the Department without authority.
- (P) Receive, solicit or attempt to solicit money or anything of value for performing or failing to perform any police duty.
- (Q) Solicit business, clients or customers for any business establishment or professional person.
- (R) Drink any kind of intoxicating liquor while on duty or while in uniform, except when such action is required and properly authorized in the performance of assigned duties.
- (S) Use any habit-forming drug or narcotics, except at the direction of a physician.
- (T) Associate with persons having known criminal records or connections, except when such action is required and properly authorized in the performance of assigned duties.
- (U) Frequent any establishment of unsavory reputation or owned or operated by any person having a known criminal record or connections, except when such action is required or properly authorized in the performance of assigned duties.
- (V) Disseminate or release any information concerning essential police matters except when properly authorized to do so.
- (W) Use a county vehicle without the knowledge or permission of his superior.

(X) Improperly operate a county vehicle or permit an unauthorized person to operate a county vehicle.

(Y) Fail to show respect to the flag of the United States of American or respect for the National Anthem.

(Z) Do any other act or omission contrary to good order and discipline of the Department. (55 ILCS 5/3 – 8014)

Article III – Mental Health Board

6-3-1 Established. It is hereby ordained and resolved by the Board of Supervisors of Jefferson County, Illinois that a Community Mental Health Board is hereby established in accordance with statute and shall be known as the Jefferson County Community Mental Health Boards, hereinafter referred to as the Board.

6-3-2 Composition. The Board shall consist of seven (7) members appointed by the Chairman of the County Board, with the advice and consent of the Board of Supervisors. The Board shall, as nearly as possible, be representative of interested groups of the community such as local health department, medical societies, local welfare boards, hospital boards, school boards, and lay associations concerned with mental health or mental retardation, as well as labor, business and civic groups or the general public. (405 ILCS 20/3a)

6-3-3 Term of Office. The term of office of each member of the Board shall be four (4) years. All terms shall be measured from the first day of the year of appointment. Vacancies shall be filled for the unexpired time in a similar manner as original appointments. (405 ILCS 20/3b)

6-3-4 Powers and Duties. The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain, and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of the County, and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (A) Review and evaluate community mental health services and facilities.
- (B) Submit to the appointing officer and governing body a program of community mental health services and facilities.
- (C) Within amounts appropriated therefor, execute such program and maintain such services and facilities as may be authorized under such appropriations, including amounts appropriated under bond issues, if any.
- (D) Enter into contracts for rendition or operation of services and facilities on a per-capita basis or otherwise.
- (E) Arrange for the rendition of services and operation of facilities by other agencies of the governmental unit or county in which the governmental unit is located with the approval of the governing body.
- (F) Make rules and regulations concerning the rendition or operation of services and facilities under its direction and supervision.

(G) Employ such personnel as may be necessary to carry out the purposes of an act relating to community health facilities and services and prescribe the duties of such personnel.

(H) To perform such other acts as may be necessary or proper to carry out the purposes of the acts consistent with the regulations of the Director of the Department of Mental Health. (405 ILCS 20/3d)

6-3-5 Annual Budget and Report. The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this article, for the fiscal year immediately following the date the budget is submitted, which date must be at least thirty (30) days prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to this article during the fiscal year, just proceeding the date the annual report is submitted, which date must be within thirty (30) days of the close of the fiscal year. (405 ILCS 20/3f)

(C) The annual report must be published within thirty (30) days from the date it is submitted and approved and the budget and report shall be made available for public inspection.

6-3-6 Tax Levy – Community Mental Health Fund – Use of Funds. In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the person with a developmental disability or a substance use disorder the Board may levy an annual tax of not to exceed .15% upon all taxable property in the County. Such tax, when collected, shall be paid into a special fund in the County Treasury to be designated as the “Community Mental Health Fund.” The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act. (405 ILCS 20/4)

6-3-7 Coordination. In order to provide the broadest possible mental health program within the County, the Board shall work with all outside groups providing such services to help coordinate all programs and increase the services available to the County residents and prevent duplication of programs, except where necessary.

6-3-8 Meetings. The Board shall prescribe the time and places of the regular scheduled Board meetings and the manner in which special Board meetings may be called. It shall sit with open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

6-3-9 Expenses of Board Members – Payment. The expenses incurred by the Board in the performance of duties imposed upon it or its members shall be paid out of the Community Mental Health Fund. (405 ILCS 20/3d)

6-3-10 Removal. Any member of the Board may be removed by the appointing officer for absenteeism, neglect of duty, misconduct or malfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon. (405 ILCS 20/3c)