



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1290

Introduced 2/9/2007, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-8013
55 ILCS 5/3-8014

from Ch. 34, par. 3-8013
from Ch. 34, par. 3-8014

Amends the Counties Code. Provides that, in any sheriff's office with a collective bargaining agreement covering the employment of department personnel, disciplinary measures shall be reviewable through arbitration, and the Sheriff may act to remove, demote, or suspend department personnel without filing charges with the Merit Commission.

LRB095 08359 HLH 28532 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-8013 and 3-8014 as follows:

6 (55 ILCS 5/3-8013) (from Ch. 34, par. 3-8013)

7 Sec. 3-8013. Disciplinary measures. Disciplinary measures
8 for actions violating either the rules and regulations of the
9 Commission or the internal procedures of the sheriff's office
10 may be taken by the sheriff. Such disciplinary measures may
11 include suspension of any certified person for reasonable
12 periods, not exceeding a cumulative 30 days in any 12-month
13 period. However, in any sheriff's office with a collective
14 bargaining agreement covering the employment of department
15 personnel, such disciplinary measures shall be reviewable
16 through impartial arbitration as provided in the Illinois
17 Public Labor Relations Act.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/3-8014) (from Ch. 34, par. 3-8014)

20 Sec. 3-8014. Removal, demotion or suspension. Except as is
21 otherwise provided in this Division, no certified person shall
22 be removed, demoted or suspended except for cause, upon written

1 charges filed with the Merit Commission by the sheriff.
2 However, in any sheriff's office with a collective bargaining
3 agreement covering the employment of department personnel, no
4 such charges need be filed. The Sheriff may act to remove,
5 demote, or suspend department personnel, but the removal,
6 demotion, or suspension shall be reviewable through impartial
7 arbitration as provided in the Illinois Public Labor Relations
8 Act. Upon the filing of such a petition, the sheriff may
9 suspend the certified person pending the decision of the
10 Commission on the charges. After the charges have been heard,
11 the Commission may direct that the person receive his pay for
12 any part or all of this suspension period, if any.

13 The charges shall be heard by the Commission upon not less
14 than 14 days' certified notice. At such hearing, the accused
15 certified person shall be afforded full opportunity to be
16 represented by counsel, to be heard in his own defense and to
17 produce proof in his defense. Both the Commission and the
18 sheriff may be represented by counsel. The State's Attorney of
19 the applicable county may advise either the Commission or the
20 sheriff. The other party may engage private counsel to advise
21 it.

22 The Commission shall have the power to secure by its
23 subpoena both the attendance and testimony of witnesses and the
24 production of books and papers in support of the charges and
25 for the defense. Each member of the Commission shall have the
26 power to administer oaths.

1 If the charges against an accused person are established by
2 the preponderance of evidence, the Commission shall make a
3 finding of guilty and order either removal, demotion, loss of
4 seniority, suspension for a period of not more than 180 days,
5 or such other disciplinary punishment as may be prescribed by
6 the rules and regulations of the Commission which, in the
7 opinion of the members thereof, the offense justifies. If the
8 charges against an accused person are not established by the
9 preponderance of evidence, the Commission shall make a finding
10 of not guilty and shall order that the person be reinstated and
11 be paid his compensation for the suspension period, if any,
12 while awaiting the hearing. The sheriff shall take such action
13 as may be ordered by the Commission.

14 The provisions of the Administrative Review Law, and all
15 amendments and modifications thereof, and the rules adopted
16 pursuant thereto, shall apply to and govern all proceedings for
17 the judicial review of any order of the Commission rendered
18 pursuant to this Section. The plaintiff shall pay the
19 reasonable cost of preparing and certifying the record for
20 judicial review. However, if the plaintiff prevails in the
21 judicial review proceeding, the court shall award to the
22 plaintiff a sum equal to the costs paid by the plaintiff to
23 have the record for judicial review prepared and certified.

24 (Source: P.A. 86-962.)